

## **Title 19: Insurance**

### **Part 7: State Fire Marshal**

**Part 7 Chapter 1:** (EP-2006-1) Mississippi Residential Electronic Protection Licensing Act Rules and Regulation.

#### **Rule 1.01: Purpose**

The purpose of this Regulation is to set forth the rules and regulations to establish a statewide uniform procedures and qualifications for the licensure of individuals and companies to provide electronic protective systems to the general public.

Source: Miss. Code Ann. §73-69-7 (Rev. 2008)

#### **Rule 1.02: Authority**

This Regulation is promulgated by the Commissioner of Insurance, through his power as State Fire Marshal, as required pursuant to the provision of the Mississippi Residential Electronic Protection Licensing Act ("Act") Senate Bill 2742, 2006 Regular Session, as approved by the Governor of Mississippi, as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101, said regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department, of which the State Fire Marshal's Office is a division.

Source: Miss. Code Ann. §73-69-7 (Rev. 2008)

#### **Rule 1.03: Scope**

This Regulation shall apply to individuals and companies who offer residential electronic protective systems, burglar alarm systems, closed circuit television alarm systems, or services relating to such alarms or systems.

This Regulation and the Act shall supersede any existing county or municipal ordinance, rule or regulation requiring certification or licensure of companies and persons engaged in alarm contracting and/or closed circuit television alarm system contracting and such ordinances, rules and regulations shall be null, void and of no effect. Further, no county or municipality shall enact any new ordinance, rule or regulation regulating companies and persons subject to licensure pursuant to this Regulation and the Act.

Source: Miss. Code Ann. §73-69-27 (Rev. 2008)

#### **Rule 1.04: Definitions**

As used in this Regulation, the following terms shall be defined as follows:

- A. Alarm Contracting - Providing a residential electronic protective system, or a closed circuit television alarm system to another by any means, including, but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair testing, modification, improvement, alteration, inspection or servicing of an electronic protective system, or closed circuit television alarm system; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.
- B. Alarm contracting company - An entity that holds a Class A license issued by the State Fire Marshal.
- C. Board - the Electronic Protection Advisory Licensing Board.
- D. Burglar alarm/ burglar alarm system - an alarm, alarm system or portion of such an alarm or system that meets ANSI/SIA CP-01 Standards and is intended to detect or warn of an intrusion or other emergency in a structure.
- E. Chief Deputy State Fire Marshal - the individual appointed by the Commissioner of Insurance/State Fire Marshal who, along with his employees, is designated by the Commissioner of Insurance/State Fire Marshal to implement and enforce this chapter and to maintain, among other duties, the Residential Electronic Protection Division of the State Fire Marshal's Office.
- F. Company - proprietorship, partnership, corporation, limited liability company or other entity. For purposes of this Regulation, other entity may include a business office physically located within the boundaries of this State.
- G. Department - the Mississippi Department of Insurance.
- H. Designated agent - an owner or employee who holds a Class B license of an alarm contracting company or closed circuit television alarm system contracting company, who has been assigned the responsibility of submitting any notice required by the State Fire Marshal.
- I. Supervision - on-site supervision by a licensed Class B or Class C alarm system technician.
- J. Electronic protective system - a device or series or assembly of interconnected devices which, when activated by automatic or manual means, produces an audible, visual or electronic signal intended to detect or warn of a threat to a structure or its occupants. This term shall include a burglar alarm system or a closed circuit television alarm system, or a portion or combination of such alarms or systems. However, the term "electronic protective system" shall not include an alarm system installed in a motor vehicle; a burglar alarm system, or household fire warning system sold at a retail store as part of a

multiproduct offering to an individual end user for self-installation or installed by a designated representative of a retailer as part of the retail transaction; or a single station fire alarm system sold at retail to an individual end user for self-installation or installed by a designated representative of a retailer as part of the retail transaction or installed by a fire department, the State Fire Marshal, a public agency, a volunteer fire association or their designated representatives.

- K. Employee - a person who performs services for wages or salary.
- L. Employer - a person or entity who hires another to perform services for a wage or salary.
- M. Individual license - a Class B, C, D, or T license issued by the State Fire Marshal.
- N. Licensee - a person or entity to whom a license is granted.
- O. Officer - the president, vice-president, secretary, treasurer, comptroller or any other person who performs functions for an alarm contracting company or closed circuit television alarm system contracting company, corresponding to those performed by those officers.
- P. Operating location - a physical address that houses or maintains records of clients.
- Q. Person - a natural person or individual.
- R. Principal - a person or entity that owns at least twenty percent (20%) of an alarm contracting company or a closed circuit television alarm system contracting company regardless of the form of organization.
- S. Salesperson - a person who solicits another on behalf of an alarm contracting company or a closed circuit television alarm system contracting company by any means, including, but not limited to, telephone or electronic device, public notice or advertisement, door-to-door or any other type of personal interaction, or a person who participates in design, plan, specification or layout of an electronic protective system on behalf of an alarm contracting company or a closed circuit television alarm system contracting company.
- T. Closed circuit television alarm system - an alarm system that provides video surveillance of events, primarily by means of transmission, recording, or transmission and recording of visual signals through the use of cameras, receivers, monitors and other visual imaging systems.
- U. Closed circuit television alarm system contracting company - an entity that holds a Class A license issued by the State Fire Marshal.

- V. Closed circuit television alarm system contracting - the selling, designing, repairing, servicing, adjusting and installing of closed circuit television alarm devices.

Source: Miss. Code Ann. §73-69-5 (Rev. 2008)

**Rule 1.05: Licensing Requirements**

The State Fire Marshal shall issue licenses to companies and individuals who offer electronic protective systems to the general public. All licenses shall be valid for a period of one (1) year from its date of issuance and shall be renewed annually, on or before the anniversary date. The licensing procedure and requirements are as follows:

- A. Class A license - a company license for alarm contracting. To apply for this license, an applicant must provide the following information and meet the following conditions.
1. Documentation that the company is an entity duly authorized to conduct business within this state;
  2. Documentation that the company holds a general liability and errors and omissions insurance policy, or a surety bond, in an amount not less than Three Hundred Thousand Dollars (\$300,000);
  3. Documentation that the company carries a current and valid workers' compensation insurance policy as required by state law;
  4. The name of the company's designated agent;
  5. Documentation that one (1) employee for the company holds a Class B license at each operating location;
  6. A sworn statement that no officer or principal has been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
    - a. If an officer or principal has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
      - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,

- ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.
  - 7. Submission of the license and application fee as set forth in the Act;
  - 8. Documentation that the company is located within the physical boundaries of the state;
  - 9. A statement authorizing the State Fire Marshal to order fingerprint analysis or any other analysis or documents deemed necessary by the State Fire Marshal for the purpose of verifying the criminal history of a named officer or principal; and,
  - 10. The name of each company providing monitoring services.
- B. Class B License - Alarm System Technician -an individual license which shall authorize its holder to design, plan, specify, lay out, sell, pre-wire, install, maintain, repair, test, inspect or service and electronic protective system while in the employ of an alarm contracting company. The licensing procedures and requirements are as follows:
- 1. Documentation that the applicant has successfully completed a minimum of National Burglar and Fire Alarm Association, Level 2 A&B Burglar Alarm training course or equivalent training approved by the State Fire Marshal;
  - 2. Documentation proving residency within a radius of one hundred fifty (150) miles of the office to which the applicant is assigned;
  - 3. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
  - 4. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
    - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:

- i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,
    - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.
  - 5. A statement authorizing the State Fire Marshal to order fingerprint analysis or any other analysis or documents deemed necessary by the State Fire Marshal for the purpose of verifying the applicant's criminal history; and,
  - 6. Submission of the license and application fee as set forth in the Act.
- C. Class C license - Alarm System Installer - an individual license which shall authorize its holder to design, plan, specify, lay out, pre-wire, install, maintain, repair, test, inspect or service an electronic protective system while in the employ of an alarm contracting company. The licensing procedures and requirements are as follows:
- 1. Documentation showing that the applicant has successfully completed, at a minimum, National Burglar and Fire Alarm Association, Level 1 Burglar Alarm training course, or equivalent training approved by the State Fire Marshal;
  - 2. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
  - 3. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
    - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
      - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,
      - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and

circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.

4. A statement authorizing the State Fire Marshal to order fingerprint analysis or any other analysis or documents deemed necessary by the State Fire Marshal for the purpose of verifying the applicant's criminal history; and,
  5. Submission of the license and application fee as set forth in the Act.
- D. Class D license - Alarm System Salesperson - an individual license which shall authorize its holder to design, plan, specify, lay out or sell an electronic protective system while in the employ of an alarm contracting company. The licensing requirements and procedures are as follows:
1. Documentation that the applicant has completed, at a minimum, National Burglar and Fire Alarm Association's Sales Understanding Alarms training course, or equivalent training approved by the State Fire Marshal, or a minimum of two (2) years of design and sales experience in the alarm industry attested to in a notarized affidavit and payroll records provided by the applicant;
  2. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
  3. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
    - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
      - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,
      - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria

in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.

4. A statement authorizing the State Fire Marshal to order fingerprint analysis or any other analysis or documents deemed necessary by the State Fire Marshal for the purpose of verifying the applicant's criminal history; and,
  5. Submission of the license and application fee as set forth in the Act.
- E. Class T license - Alarm Apprentice - an individual license which authorizes its holder to design, plan, specify, lay out, sell, pre-wire, install, maintain, repair, test, inspect or service an electronic protective system while in the employ of an alarm contracting company while under the supervision of a Class B, Class C, or Class D license holder in the same employ of an alarm contract company. A Class T license shall be valid for a period of twelve (12) months from the date of issue and shall not be renewed. The licensing requirements and procedures are as follows:
1. Application for a Class B, Class C, or Class D license, accompanied by a letter of intent to complete the training requirements of such license types within twelve (12) months;
  2. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
  3. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
    - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
      - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,
      - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.



4. A statement authorizing the State Fire Marshal to order fingerprint analysis or any other analysis or documents deemed necessary by the State Fire Marshal for the purpose of verifying the applicant's criminal history; and,
  5. Submission of license fee.
- F. Notification Requirements - all licensees shall notify the State Fire Marshal in the manner prescribed by the State Fire Marshal within ten (10) days of the following:
1. Any change in home or business address;
  2. Any separation from an employer, employee, or change in employer;
  3. Any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon.
- G. Reciprocity - State Fire Marshal may enter into reciprocal agreements with other states for mutual recognition of individual license holders, provided that state will award licenses to residents of this state and as long as that state's requirements are not less stringent than those set forth under the Act or this Regulation.
- H. Renewal licenses - All renewal licensees must submit documentation showing satisfactorily completion of the twelve (12) hours of continuing education required pursuant to the Act and Section 7 of this Regulation.
- I. Reinstatement Fee - As required pursuant to the Act, any individual that fails to timely renew their license shall be charged a reinstatement fee penalty in addition to the renewal fee. That penalty shall be an amount double of their license renewal fee. However, the Commissioner of Insurance in his discretion may reduce the amount of said penalty, upon the applicant filing with the Department a written request showing good cause for the failure to timely renew. For the purposes of this provision, good cause shall be limited to health or medical issues, military service, or other reasonable and just causes as determined by the Commissioner.
- J. Class A License Number Displays - All Class A contracting companies are required to display their state issued alarm license number on all company vehicles and documents. Compliance in this section must be made in the following manner and within the following time period:
1. All company stationary, business cards, contracts and other company documents must include the Class A license number in at least 12 point type and in bold print. All Class A contracting companies must have their license number on all

company documents within eighteen (18) months of the adoption of this amended Regulation.

2. All company vehicles must include the Class A license number. The license number must be at least three (3) inches in height, clearly visible, and shall be in a contrasting color. All Class A contracting companies must have their license number on all company vehicles within six (6) months of the adoption of this amended Regulation.
3. In the interest of public safety, Deputy State Fire Marshals, who are certified law enforcement officers, are duly authorized to stop and conduct inspections of Class A contracting company vehicles to verify compliance with Miss. Code Ann. §§ 73-69-1, 73-69-11, and these Rules and Regulations.

Source: Miss. Code Ann. §73-69-9; §73-69-11 (Rev. 2008)

**Rule 1.06: Exceptions to Licensure**

- A. The requirement for licensure for alarm contracting as stated in Section 5 of this Regulation shall not apply to the following:
  1. Any company, natural person, or employee of the company or natural person, licensed to perform electrical work by the State Licensing Board of Contractors;
  2. An entity legally authorized to install commercial light and power service in this state or employ of which is installing wire, conduit or other wire raceways, its associated boxes or fittings, or single or multiple station smoke detectors;
  3. Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing, recording, adjusting or testing closed circuit television alarm systems, on the premises of the owner or public institution during the normal course and scope of his duties;
  4. Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing or testing a burglar alarm system only on the premises of the owner or public institution during the normal course and scope of his duties;
  5. Any retailer that sells alarm systems as part of a multiproduct offering and provides installation as part of that retail transaction;
  6. Any retailer or installer of household fire warning systems sold and installed to detect or warn of smoke or fire and intended for use in a residential one or two

family dwelling wholly within the confines of an individual living unit in a residential multifamily structure; or,

7. Installers of electronic protective systems, burglar alarm systems, fire alarm systems or closed circuit television alarm systems used in residential, one or two family dwelling or wholly within the confines of an individual living unit in a residential multifamily structure, when the installer is working as a designated agent for any exempt retailer.

B. The requirement for licensure for closed circuit television alarm system contracting as stated in Section 5 of this Regulation shall not apply to the following:

1. An officer or employee of the United States, while engaged in the performance of his official duties within the course and scope of his employment with the United States, this state, or any political subdivision of either; or,
2. Any company, natural person or employee of any company or natural person licensed to perform electrical work by the State Licensing Board of Contractors; notwithstanding, no person licensed may install primary power sources of one hundred (100) volts or greater when such power source is being installed to operate low-voltage systems.

C. No person or company shall aid, abet, facilitate or otherwise assist any unlicensed person or company in engaging in alarm contracting or closed circuit television alarm system contracting, including, but not limited to, the sale of an electronic protective system as defined in this act when such person or company knew or should have known that the person or company thus assisted was unlicensed.

Source: Miss. Code Ann. §73-69-15 (Rev. 2008)

#### **Rule 1.07: Continuing Education Requirements**

Every individual seeking to receive a renewal license under the Act or this Regulation shall satisfactorily complete twelve (12) hours of study in approved courses during each twelve month period. Each one hour credit shall be awarded for fifty minutes of attendance of an approved course.

A. Renewal Period - Continuing education requirements are good for twenty- four months.

1. Carry Over Hours - An individual may carry over twelve (12) hours of continuing education to be applied toward the following year's continuing education requirement.

2. Documentation - It is the responsibility of each individual to maintain records documenting continuing education activity and to submit this documentation at the time of license renewal.
- B. Approved Courses - Only those courses approved by the State Fire Marshal shall fulfill the requirements of the Act and this Regulation.
1. State Fire Marshal Approved Courses - To be approved by the State Fire Marshal, the course or program must be one that educates on the electronic life safety, security and systems industry. Programs geared toward specific products and/or sales will not qualify as continuing education. For any course to be approved as a continuing education class must be submitted to the State Fire Marshal with a course outline and receive approval prior to the actual class being held.
  2. NTS/NBFAA Courses - Any course offered by the National Training School (NTS), which is a member service of the National Burglar and Fire Alarm Association (NBFAA), shall qualify as an approved course.
  3. Licenses and Certification - Credit shall be awarded for earning a license and/or certification in the electronic life safety, security and systems industry from an entity other than NBFAA provided the State Fire Marshal approves such certification counting toward continuing education requirements. Any certification or license earned during the renewal cycle will qualify for twelve hours provided the State Fire Marshal has approved the license and/or certification.
  4. College/University Course - Credit may be granted for successful completion of a college/university course in a security industry topic area upon submission of the course outline to and approval by the State Fire Marshal. A three or four credit course shall be equivalent to twelve credits as required under this Section.
  5. Training Meetings - Credit may be granted for attending training meetings of the National Burglar and Fire Alarm Association and/or the Mississippi Alarm Association, not to exceed more than six (6) credit hours per calendar year.
  6. Other Credits - The State Fire Marshal may, at his discretion, approve continuing education credits for volunteer service, teaching of classes, publication of articles, or for any other class, work or activity performed that the State Fire Marshal approves as satisfaction of the continuing education requirements. It is the responsibility of the individual person to receive such approval from the State Fire Marshal.

- C. Failure to Complete Requirements - The failure of any individual to timely complete or submit their continuing education requirements shall result in denial of their renewal license until such continuing education requirements are met.
- D. Continuing Education Reciprocity - An individual's satisfaction of his or her home state continuing education requirements for licensure shall constitute satisfaction of this state's continuing education requirements if the individual's home state recognizes the satisfaction of its continuing education requirements imposed upon individuals from this state on the same basis.

Source: Miss. Code Ann. §73-69-7 (Rev. 2008)

#### **Rule 1.08: Violations and Penalties**

The State Fire Marshal may impose, after giving notice of hearing to the licensee by serving a written statement of charges on the licensee at least twenty (20) days prior to hearing, penalties for violations under the Act and this Regulation. Violations and penalties are set forth as follows:

##### **A. Class I offenses:**

1. Signature of or submission of any document to the State Fire Marshal when the applicant or licensee reasonably should have known that the document contained false or misleading information;
2. Failure of an alarm contracting company or closed circuit television company to timely notify the State Fire Marshal of certain changes in the status of the licensee as required by the Act and Section 5(F) of this Regulation.
3. Failure of an alarm contracting company or closed circuit television alarm system contracting company to do either of the following:
  - a. Clearly display the company's license at its place of business, or
  - b. Replace a required Class B license holder or its designated agent and to timely notify the State Fire Marshal as required by the Act and Section 5(F) of this Regulation;
4. Failure of an individual license holder to maintain his license on his person and to present it for inspection;
5. Assisting an unlicensed person or company to engage in alarm contracting or closed circuit television alarm system contracting as prohibited;

6. Refuse to admit the State Fire Marshal or his designated representative to an operating location or refuse to cooperate in the purposes of such admittance as required.

B. Class I Penalties - may be any or all of the following:

1. Written reprimand by the State Fire Marshal. Such reprimand shall be a part of the record of the licensee and shall be maintained by the State Fire Marshal for a period of three (3) years, during such time the reprimand may be taken into consideration during any subsequent disciplinary action;
2. Probation of licensure for not more than twelve (12) months. Such probation may include placement of restrictions on the alarm contracting or closed circuit television alarm system contracting activities and the license of the offender. Any subsequent offense committed during probation will make the offender subject to penalties for a Class II offense;
3. A fine of not more than Five Hundred Dollars (\$500.00).

C. Class II Offenses:

1. Commission of a second Class I offense;
2. A Class I offense committed during a probation of one's licensure for a Class I offense.

D. Class II Penalties - may be any or all of the following:

1. Any penalty authorized for a Class I offense;
2. Suspension of licensure for not more than twenty-four (24) months;
3. A fine of not more than One Thousand Dollars (\$1,000.00).

E. Class III Offenses:

1. The knowing and willful signature of or submission of any document to the State Fire Marshal when the applicant or licensee knew that document contained false or intentionally misleading information;
2. Engaging in alarm contracting or closed circuit television alarm system contracting without a license;

3. Engaging in alarm contracting or closed circuit television alarm system contracting during suspension of one's license;
4. The repeated flagrant and willful commission of Class I offenses;
5. Failure by an alarm contracting company to maintain a general liability and errors and omissions insurance policy as required, or to maintain a workers' compensation insurance policy as required by state law;
6. Engaging in false, misleading or deceptive acts or practices.

F. Class III Penalties - may be any or all of the following:

1. Any penalty authorized for a Class II offense;
2. Revocation of licensure;
3. A fine of not more than Five Thousand Dollars (\$5,000.00).

G. Additional Penalties - in addition to the penalties stated, the State Fire Marshal may:

1. Issue in any court of competent jurisdiction an injunction without bond enjoining any person from violating or continuing to violate the provisions of this Regulation or the Act; and,
2. In the suit for an injunction, may demand of the defendant a penalty of Fifty Dollars (\$50.00) per day for each violation, reasonable attorney fees and court costs.

H. Alarm Contracting Company - Cancellation of contract:

1. An alarm contracting company who sells an electronic protective system to a consumer shall immediately return the lockout, installer or programming code of the electronic protective system to the factory default setting when the consumer cancels the contract with the alarm company and contracts with another alarm company provided all original contractual obligations are fulfilled.
2. Any violation of Section 7(F)(1) by an alarm contracting company will result in the company's license being revoked and a civil fine of not less than Five Hundred Dollars (\$500.00) but not more than Two Thousand Dollars (\$2,000.00).

Source: Miss. Code Ann. §73-69-23; §73-69-25 (Rev. 2008)

**Rule 1.09: Electronic Protection Advisory Board**

The Electronic Protection Licensing Advisory Board ("Board") is created pursuant to the Act to assist the State Fire Marshal with the rules and regulations of the Act.

A. Members of the Board - the members and their terms shall be as follows:

1. Three members appointed by the Governor, one from each Supreme Court District. Each member shall possess a valid Class A or Class B license and may be appointed from a list submitted by the Mississippi Alarm Association. The initial terms shall be staggered, with one appointment serving for two (2) years, one for three (3) years, and one for four (4) years. After the initial staggered terms, the subsequent terms shall be for four (4) years.
2. One member appointed by the State Fire Marshal from a list of nominees submitted to the State Fire Marshal by the Mississippi Alarm Association. This member shall act as a representative of the Alarm Manufacturing Industry and the appointment shall be for four (4) years.
3. Two (2) members appointed by the Governor at his discretion, one (1) shall be a law enforcement officer and one (1) shall be from the private sector. Each of these appointments shall be for (4) years, concurrent with the term of the Governor.
4. One (1) member shall be an employee of the Office of the State Fire Marshal designated by the State Fire Marshal. The member's term shall be for four (4) years and shall be concurrent with the term of the State Fire Marshal. This member shall serve as chairman of the Board.

B. Terms - after the initial terms, each member shall serve a term of (4) years. No members shall serve more than two (2) terms except for the member designated by the State Fire Marshal in Section 8(A)(4).

C. Vacancies - a vacancy on the Board shall be filled in the manner of the original appointment for the remainder of the term.

D. Meetings - the board shall meet ever quarter, or upon the call of the chairman or upon the written request of any three (3) members of the Board. Notice of any such meeting shall be given in writing to members and the public by publication on the Department of Insurance's website at least fourteen (14) days in advance.

E. Quorum - a quorum shall be met if four (4) or more members of the board meet for the transaction of business.



- F. Reimbursement of Expenses - each appointed Board member shall be reimbursed for travel and related expenses incurred, not to exceed those expenses authorized for reimbursement by the Department, for the period that the member engages in Board business. However, said reimbursement must be submitted and approved by the Department, and no expenses will be initially provided for any meeting prior to July 1, 2007.
- G. Liability of Members - no member shall be liable to civil action for any act performed in good faith in the execution of his duties as a board member.

Source: Miss. Code Ann. §73-69-21 (Rev. 2008)

**Rule 1.10: Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §73-69-7 (Rev. 2008)

**Rule 1.11: Effective Date**

The Effective Date of this Regulation shall be July 1, 2006. This Regulation was amended on March 31, 2008. The effective date of the Amended Regulation is May 1, 2008.

Source: Miss. Code Ann. §73-69-1, et seq. (Rev. 2008)

**Part 7 Chapter 2:** (2006-3) Rules And Regulations To Assist County Fire Coordinators In Defining And Prescribing Those Persons Who May Qualify For The Tax Credit Under Senate Bill 2021 As Active Service Volunteer Fire Fighters.

**Rule 2.01: Purpose and Scope**

The Mississippi Legislature during the 2006 Regular Legislative Session passed Senate Bill 2021. The bill authorizes county boards of supervisors to grant an ad valorem tax exemption on one motor vehicle owned by each resident of the county who is in active service as a volunteer fire fighter for any municipality, county or fire district in the State in an amount not to exceed one hundred dollars (\$100.00), or the amount of the ad valorem taxes, whichever is less. The purpose of these Rules and Regulations is to assist county fire coordinators in defining and prescribing those persons who may qualify for the tax credit under this section as active service volunteer fire fighters.

Source: Miss. Code Ann. §27-51-42.2 (Rev. 2010)

**Rule 2.02: Authority**

This Regulation is promulgated by the Commissioner of Insurance pursuant to the authority granted to him by Miss Code Ann. § 45-11-1 (Supp. 2005), and Senate Bill 2021, as passed in the 2006 Regular Legislative Session.

Source: Miss. Code Ann. §45-11-1 (Rev. 2011); §27-51-42.2 (Rev. 2010)

**Rule 2.03: Tax Exemption Requirements**

To receive the tax exemption, such person must make application, under oath, with the county fire coordinator and present evidence that he or she is actively serving as a volunteer fire fighter and has continuously served in such capacity for at least three (3) consecutive years. In defining and prescribing those person that may qualify, the County Fire Coordinators may use the following information:

- A. Documentation from the Applicant's Volunteer Fire Chief of the Department in which he or she is serving indicating that the Applicant is in active service. This documentation shall be in the form of the Volunteer Chief's signature on the application for the tax exemption.
- B. Documentation that the Applicant has been in active service as a volunteer fire fighter for any municipality, county, or fire district in Mississippi continuously for at least three(3) consecutive years. This documentation may be provided to the County Fire Coordinator at his or her discretion and in such form as he or she may deem necessary.
- C. After reviewing the above mentioned information, the County Fire Coordinator shall make the determination as to whether the applicant qualifies for the tax exemption. If the Coordinator approves the application he or she shall sign the application, which will then be certified to the County Tax Collector.

Source: Miss. Code Ann. §27-51-42.2 (Rev. 2010)

**Rule 2.04: Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §27-51-42.2 (Rev. 2010)

**Rule 2.05: Effective Date**

The effective date of this Regulation shall be July 1, 2006.

Source: Miss. Code Ann. §27-51-42.2 (Rev. 2010)

**Part 7 Chapter 3:** (Me -2007-3) Rules And Regulations For The Uniform Standards Code For The Factory Built Homes Law As Related To Modular Homes.

**Rule 3.01:**Promulgation and Purpose

**3.01.1:** General

These Regulations for Factory-Built Homes are promulgated by the Commissioner of Insurance of the State of Mississippi, acting through the State Chief Deputy Fire Marshal and the Factory-Built Home Division, in accordance with The Uniform Standards Code for Factory-Built Homes Law, codified at Mississippi Code Ann., Section 75-49-1, *et seq.*, (1972 and Supp. 2007), and the Mississippi Administrative Procedures Act, codified at Mississippi Code Ann., Section 25-43-1, *et seq.*, (1972). These Regulations shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures Act.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

**3.01.2:** Purpose

The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and related hazards and to restrict health hazards, as related to modular homes, by providing standards for construction and heating systems and by requiring compliance with such standards during construction, prior to selling, or offering for sale such modular homes in the State of Mississippi.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

**3.01.3:** Definitions

For purposes of this Regulation, the terms hereinafter set forth are defined as follows:

- A. "Approved construction inspection agency" means an approved inspection agency which is responsible for performing the functions described in Section 304 herein and has been approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.
- B. "Approved design review agency" means an approved inspection agency which is responsible for performing the functions described in Section 304 herein and has been

approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.

- C. "Building system" means plans, specifications, and documentation for a system or type of modular building unit, or for the foundation, structural, electrical, mechanical, plumbing, fire protection, or other system(s) thereof affecting health and safety.
- D. "Certification" means written confirmation from a modular home manufacturer verifying that a Modular Home Contractor or an Independent Contractor Installer or Transporter is qualified to install and/or transport his modular home as defined in Section 102 (X).
- E. "State Chief Deputy Fire Marshal" means the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this Regulation and to maintain, among other duties, the Factory-Built Home Division.
- F. "Closed construction" means any modular building unit, component, assembly, or system manufactured in such a manner that all concealed parts' processes of manufacturing cannot be inspected before installation at the site without disassembly, damage, or destruction.
- G. "Commissioner" means the Commissioner of Insurance of the State of Mississippi.
- H. "Compliance assurance program" means the system documentation and methods of assuring that modular building units and their components, including the manufacturing, storage, transportation, assembly, handling and installation thereof, conform to the Standards, as defined in Section 102(GG).
- I. "Component" means any assembly, sub-assembly, or combination of elements for use as a part of a modular building unit, which may include the structural, electrical, mechanical, plumbing, fire protection, or other system(s) thereof affecting life safety.
- J. "Damage" means any impairment, alteration, or breakage occurring to a modular building unit, or any part thereof, that causes it not to comply with the Standards, as defined in Section 102(GG).
- K. "Data plate" means the label requested and installed by independent third-party inspection agencies, verifying compliance with construction standards approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.
- L. "Developer" means any person who buys factory-built homes and real estate and then offers to sell or lease to the general public land-home "package deals" consisting of a home with real estate. Upon renewal of a license, a developer must provide

documentation to the Department of Insurance that he or she has at least five (5) available manufactured or modular home sites. A developer shall be responsible for installation requirements for manufactured or modular housing as set forth in Article IV of this Regulation. The term "Developer" does not apply to entities that meet the requirements of and are licensed as a "Modular home contractor" as defined in Section 102(Y).

- M. "Division" means the Factory-Built Home Division of the State Fire Marshal's Office.
- N. "Endorsement" means the stamp affixed to a privilege license indicating manufacturer certification as defined in Section 102(D).
- O. "Factory-built home" means a mobile home, a manufactured home, and a modular home as those terms are defined herein.
- P. "Independent contractor installer or transporter" means any person who is engaged for hire in the movement or transportation, or both, or the installation on an approved foundation blocking, anchoring and tie-down of a factory-built home. An "independent contractor installer or transporter" shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition. An independent contractor installer or transporter shall be responsible for installation requirements for manufactured, mobile or modular homes as set forth in Section 308 of the rules and regulations for the Uniform Standards Code for Factory-Built Home Law.
- Q. "International Residential Code for One and Two-Family Dwellings (IRC)" means the International Residential Code, 2006 edition, published by the International Code Council (ICC), 900 Montclair Road, Birmingham, Alabama 35213, as referenced in Article II. Standards herein.
- R. "Licensee" means any manufacturer, retailer, developer, modular home contractor or installer/transporter who obtains a privilege license from the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance. The licensee shall comply with all laws of the State of Mississippi regarding factory-built homes.
- S. "Manufactured home" means a structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 *et seq.*), and manufactured after June 14, 1976.
- T. "Manufacturer" means any person engaged in the production (construction) of modular or manufactured homes.
- U. "Mississippi Department of Transportation (MDOT)" means the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers, modular home contractors and installer/transporters) shall comply with the

requirements regarding transportation of factory built homes under the jurisdiction of MDOT in the State of Mississippi.

- V. "Mobile home" means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C.S. 5401 *et seq.*). It is a structure that is transportable in one or more sections, that, in the traveling mode, is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or when erected on site, is two hundred fifty-six (256) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Commissioner and complies with the standards established under The Uniform Standards Code for Factory-Built Homes Law, Mississippi Code Ann., Section 75-49-1, *et seq.*
- W. "Model" means a specific design of modular building unit which is based upon size, room arrangement, method of construction, location, arrangement or size of plumbing, mechanical, or electrical equipment and systems therein in accordance with plans and specifications submitted to an approved design review agency.
- X. "Modular home" means a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code; and (iv) designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term "modular home" does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974.
- Y. "Modular home contractor" means a licensed residential building contractor or a licensed retailer who buys factory-built modular homes for resale to the general public, whether to be located on the consumer's home site or a land-home package on property owned by the modular home contractor. A Mississippi licensed modular home contractor is authorized to sell new modular homes for installation on a consumer's home site or as part of a land-home package without the necessity of maintaining a separate sales center. A modular home contractor shall be responsible for the installation requirements for modular housing as provided in Section 308 of the rules and regulations for Uniform Standards Code for the Factory-Built Homes As Related To Modular Homes.

- Z. "Non-coded area" means any local jurisdiction (county or municipality) that has not adopted the latest edition and Appendices of the International Building Code, published by the International Code Council, or the Southern Building Code, published by the Southern Building Code Congress International, or any county in which the board of supervisors has not adopted Mississippi Code Ann., Section 75-49-21, entitled "permit Fees for Manufactured or Mobile Homes," or other recognized building codes or portion thereof.
- AA. "Open construction" means any modular building unit, component, assembly, or system manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage, or destruction.
- BB. "Person" means any individual, firm, corporation, partnership, association or other type of business entity.
- CC. "Residential Building Contractor" means any person who is licensed by the State of Mississippi to construct a residential building or structure, or to construct the foundation and perform the installation and site work for a modular home, or to offer for sale or for use by another a residential building or structure, or who, for a fixed price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction, or superintending of the construction, of a residential building or structure.
- DD. "Retailer" means any person engaged in the retail sale of new or used manufactured mobile or modular homes to the general public. Upon renewal of a license, a retailer must provide documentation to the Department of Insurance that he or she has at least three (3) available manufactured mobile or modular homes on a sales lot. A retailer shall be responsible for installation requirements for manufactured mobile or modular housing set forth in Section 308 of this Regulation.
- EE. "Site" means the location on which a modular building unit is installed or is to be installed.
- FF. "Southern Building Code Congress International (hereinafter referred to as "SBCCI") means the former Southern Building Code Congress International of Birmingham, Alabama, which changed on January 2000 to the new International Code Council.
- GG. "Standards" means the standards for the construction and installation of modular homes established in Article II of this Regulation.
- HH. "Standard design" means any modular building unit, component, model or series intended for duplication or repetitive manufacture.

- II. "System prototype" means a specific design of modular homes designated by the manufacturer to be the standard for imitation reproduction. A system prototype may include options that do not affect the performance function of any system.

Source: Miss. Code Ann. §75-49-1, et seq.; §75-49-3 and § 75-49- 5 (Rev.2009)

**Rule 3.02: Standards - General**

- A. Unless otherwise provided by applicable law or the provisions of this Regulation, the Standards for the construction and installation of modular homes in the State of Mississippi (hereinafter referred to as "Standards") shall be those prescribed in the following codes:
- B. The National Electrical Code (NFPA 70), 2005 edition, published by the National Fire Protection Association (NFPA), Battery March Park, Quincy, Massachusetts 02269;
- C. The International Building Code, 2006 edition, published by the International Code Council (ICC) formerly the Southern Building Code Congress International, Inc. (SBCCI), 900 Montclair Road, Birmingham, Alabama 35213;
- D. The International Residential Code, 2006 edition, published by the International Code Council (ICC), 900 Montclair Road, Birmingham, Alabama 35213;
- E. The International Mechanical Code, 2006 edition, published by the ICC;
- F. The International Gas Code, 2006 edition, published by the ICC;
- G. The International Plumbing Code, 2006 edition, published by the ICC; and
- H. Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10); or Minimum Design Loads for Buildings and Other Structures (ASCE-7);

All of the above codes as they may be revised or amended.

Source: Miss. Code Ann. §75-49-5 (Rev.2009)

**Rule 3.03: Administration**

**3.03.1: General**

In furtherance of Mississippi Code Ann., Section 75-49-11, the Commissioner, acting through the State Chief Deputy Fire Marshal and the Factory-Built Home Division of the Mississippi Insurance Department, is hereby charged with the administration of this Regulation. He may make, amend, alter, or repeal the general rules and regulations of procedure for carrying into



effect all provisions of this Regulation and for obtaining statistical data respecting manufactured, mobile, and modular homes. The Commissioner, acting through the State Chief Deputy Fire Marshall and the Factory-Built Home Division of the Mississippi Insurance Department, may prescribe means, methods, and practices to make effective such provisions. Further, the Commissioner, acting through the State Chief Deputy Fire Marshall and the Factory-Built Home Division of the Mississippi Insurance Department, may make such investigations and inspections as in his judgment are necessary to enforce and administer this Regulation.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **3.03.2: Rules and Regulations**

- A. After July 1, 1988, every manufacturer engaged in the production (construction) of modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.
- B. After July 1, 2005, every retailer, developer, or modular home contractor who sells, transports, or installs modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.
- C. After July 1, 1992, every independent contractor installer or transporter who transports or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage.
- D. After July 1, 2005, every manufacturer, transporter, installer, retailer, modular home contractor, and developer who first sells, manufactures transports or installs a modular home in this state, before such first construction, sale, transportation, or installation, shall apply for and obtain a license from the Commissioner. The original license fee and all annual renewals thereof shall be due as set forth in this Regulation. The fee shall be paid to the Commissioner in such a manner as the Commissioner may by rule require. All funds received by the Commissioner shall be deposited into the State Treasury to the credit of the Department of Insurance.
- E. After July 1, 2005, every manufacturer of modular homes shall submit written certification, approved by the State Fire Marshal's Office, stating that the contractor installer/transporter or modular home contractor is qualified to install their modular home. If, for just cause, a manufacturer revokes an installer/transporter or modular home contractor's certification, he shall give written notification to the Factory-Built Homes Division within ten five (10) working days. Manufacturers of modular homes are permitted in accordance with their manufacturer's license to install modular homes constructed by their company. If a modular manufacturer installs modular homes built by other modular manufacturers holding themselves out for hire to the public, they will be required to obtain an installer/transporter's license.

- F. After July 1, 2005, any person as defined in Mississippi Code Ann., Section 75-49-3(i) (Supp. 2007), that repossesses and sells twelve (12) or more new or used factory-built homes within the fiscal year (July 1 through June 30) to be **relocated (moved) from the existing home site where the home was sited** immediately prior to repossession, shall apply for and obtain a retailer's or developer's license, unless the sale is contracted through a current licensed retailer or developer to insure that the factory-built home is installed and set-up by a licensed installer/transporter in compliance with the Division's rules and regulations. Upon license renewal, licensees are exempt from having three (3) units available for retailers, five (5) home sites for developers, and from annual educational seminars.

**EXCEPTION:** Any person as defined in Mississippi Code Ann., Section 75-49-3(i) (Supp. 2007), who repossess and sells new or used factory-built homes **that are not to be relocated or moved from the existing home-site** prior to repossession within the State of Mississippi, shall be exempt from obtaining a retailer or developer's license.

- G. No retailer, modular home contractor, developer, transporter or installer shall deliver or cause to be delivered any modular home to any site which, if required by local statute, does not prominently display a valid building permit issued for the construction of a residence on that site.
- H. It shall be the responsibility of each installer/transporter that transports or installs a modular home to submit a report, by fax or mail, to the Factory-Built Home Division of the State Fire Marshal's Office for all modular homes delivered or installed within seventy-two (72) hours of installation. The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. **This report is required for modular homes that are transported or installed by an installer/transporter for someone other than a licensed retailer or modular home contractor or developer.** The report must include:
1. The retailer/modular home contractor/developer's name, license number, address, telephone number, and fax number;
  2. The installer/transporter's name, address, telephone number, and fax number;
  3. The installation decal number, soil density test results, and the class anchor used;
  4. The homeowner's name, address, telephone number, county where home is located, and date and time of installation;
  5. The serial number of home, size of home, wind speed, and the manufacturer of the home.

6. Directions to the home; and
  7. A map showing directions to the home-site from a known starting point.
- I. An administrative fee will be charged for data plates in the amount that it costs this division to produce same. This division will provide the data plates to approved construction inspection agencies for certification that such modular homes, to the best of the manufacturer's knowledge and belief, conform to all applicable rules, regulations and safety standards. The data plate shall be affixed only at the end of the last stage of production.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **3.03.3: Licenses**

- A. In accordance with Mississippi Code Ann., Sections 75-49-9 (1) and 75-49-9 (5), after July 1, 1992, every manufacturer, transporter, installer, developer, modular home contractor, and retailer who sells, manufactures, transports, or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.
- B. In accordance with Mississippi Code Ann., Section 75-49-9(4), the original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants that build manufactured homes, Two Hundred Fifty Dollars (\$250.00) for manufacturing plants that manufacture modular homes located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi, and One Hundred Fifty Dollars (\$150.00) per manufactured home and/or modular home retailer location and developer location and modular home contractor within the State of Mississippi. The licensing fee for a manufactured home and/or modular home independent contractor transporter or installer is One Hundred Dollars (\$100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars (\$400.00) per floor plan; however, this fee shall not apply to any modular home plan reviews completed before July 1, 1998.
- C. An application for a license and/or renewal shall be submitted on the form prescribed by the Division and shall be accompanied by a non-refundable license fee as follows:

Manufacturer.....	\$250.00
Retailer.....	\$150.00 per location
Modular home contractor.....	\$150.00
Developer.....	\$150.00 per location
Independent Contractor Installer/Transporter.....	\$100.00
Floor Plan Review .....	\$400.00 per floor plan

- D. The applicant shall certify in the application to the Commissioner that the applicant will comply with the International Residential Code (IRC), as set forth under these Rules and Regulations and as required by The Uniform Standards Code for Factory-Build Homes Law, codified at Mississippi Code Annotated, Section 75-49-1, *et seq.*, and that the applicant has obtained a current and valid tax identification number, as required by Mississippi Code Ann., Section 75-49-9 (2).
- E. Applications shall be obtained from and submitted to the Commissioner on forms prescribed by the Commissioner. All funds received by the Commissioner shall be deposited in a special fund account in the State treasury to the credit of the Department of Insurance.
- F. In accordance with Mississippi Code Ann., Section 75-49-9 (9), the holder of any valid license issued by the Commissioner at the time this section becomes effective shall be automatically issued an equivalent license in the same category for which his previous license was issued if the licensee is in compliance with this Regulation.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **3.03.3-1 - Examination or Investigation**

- A. In accordance with Mississippi Code Ann., Section 75-49-9(7), the Commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the Commissioner.
- B. In accordance with Mississippi Code Ann., Section 75-49-9(8), the Commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full-time managing employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the responsible, full-time managing officers or members of the executive staff of the applicant's firm. Every application by an individual for a license to sell, transport, or install factory-built homes shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of a partner or an officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.

### 3.03.3-2 - Expenses for Examination or Investigation

All expenses of the examination or investigation incurred by the Commissioner of Insurance or his designee in determining the fitness or expertise of the applicant inside or outside this state shall be borne by the entity or person being examined or investigated. Such expenses of an examination or investigation pursuant to this section may include, but are not limited to, staff time, travel, lodging, per diem, and any other expenses related to the examination or investigation. At a reasonable time following completion of each examination or investigation, the Commissioner of Insurance or his designee shall provide the entity or person examined or investigated an invoice for the expenses incurred during the examination or investigation. Payment of the invoiced amount is due within thirty days of the date of the invoice.

### 3.03.3-3 - Renewal of Privilege License

- A. Pursuant to Mississippi Code Ann., Section 75-49-9(10), every license issued herein shall be issued annually and shall expire on June 30 following the date upon which it was issued. License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application. The Commissioner shall on or before April 30 of each year forward a "Notice of Renewal" by regular United States mail to each licensee at his or its last known mailing address.
- B. After depositing the "Notice of Renewal" in the United States mail, the Commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. The failure of the licensee to obtain a renewal license on or before June 30 of the ensuing license period shall act as an automatic suspension of the license unless the Commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension, any practice by the licensee under the color of such license shall be deemed a violation of this Regulation.
- C. Annual renewal applications shall be accompanied by copies of approved certificates of training. All required documentation for license renewal shall be submitted by the licensee to the Factory-Built Home Division. Annual renewal of a license shall require, **as a condition precedent to the renewal thereof**, that the licensee verify by oath or affirmation, in writing, the following factors:
  - 1. A retailer shall submit proof that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the Commissioner and that the retailer's lot has three (3) retail display units for sale available on his retail lot.
  - 2. A developer shall submit proof that he has at least five (5) available modular home lots/sites.

3. An installer/transporter shall submit proof of attending eight (8) hours of training per licensing year (July 1 – June 30), as provided, approved, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office.
4. A modular home contractor shall submit proof of the following:
  - a. A copy of a current factory-built home retailer's privilege license as issued by the Mississippi State Fire Marshal's Office;**or**
  - b. A current residential builder's license as issued by the Mississippi State Board of Contractors.

#### **3.03.3-4: Operating Without a License**

- A. Any company/individual who is found to be operating without an appropriate license in the State of Mississippi shall:
  1. Show good cause in writing to the Factory-Built Home Division of the State Fire Marshal's Office why this violation occurred and the approximate number of homes sold prior to obtaining a license.
  2. Request a retailer, developer, or modular home contractor's license application. The completed application shall be returned to the Factory-Built Home Division, signed and notarized, together with a check for \$150.00 payable to the Office of the State Fire Marshal.
  3. Obtain an inspection date from the State Fire Marshal's Office, which inspection is required to verify compliance with this Regulation prior to issuance of a license.
  4. Be subject to penalties set forth in Mississippi Code Ann., Section 75-49-19, which section is entitled "Violations; Penalties; Exceptions."
- B. After July 1, 2005, the Commissioner, upon application, may issue a temporary license to persons or companies who are non-residents of this state and who otherwise are licensed transporters or installers in another state. Such temporary license shall remain in force for a period not to exceed thirty (30) days, unless extended for an additional period, not to exceed 120 days, by the Commissioner or until a contract with a Mississippi-licensed entity to transport or install has been completed during the period of the temporary license. Within five (5) days of any non-resident applicant making delivery or beginning work as a transporter or installer under this section, the non-resident transporter or installer shall provide a copy of their out-of-state license, proof of insurance, and certification, in writing, to the Commissioner that the state in which such non-resident

applicant is licensed has laws and regulations that provide safeguards equally effective to applicable Mississippi laws and this implementing Regulation.

### **3.03.3-5 - License Exceptions**

A. Pursuant to Mississippi Code Ann., Section 75-49-9, the following entities or individuals are not required to have a privilege license:

1. An individual installing the manufactured modular home is the owner thereof, or the manufactured home is owned by a member of the individual's family, and the home is not intended for sale, exchange, lease or rent.
2. An individual performing maintenance, repairs, or corrections to an installation for the purpose of customer service on behalf of a manufacturer, retailer, developer, or modular home contractor.

A transporter that conducts interstate transport through the State of Mississippi for a manufacturer, retailer, modular home contractor, or developer and does not install at home sites intended for human habitation in Mississippi.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **3.03.4: Manufacturers**

A. All manufacturer applicants shall certify in the application that they will fully comply with "modular homes" as defined in Section 102(X) of this Regulation, which is defined as a structure which is (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code [the IRC as defined herein] and (iv) designed to be permanently installed at its final destination on an approved foundation construction in compliance with a nationally recognized building code. The term "modular home" does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974." In other words, manufacturer applicants shall certify in the application that they will comply with the above-defined standards which involve a structure which is primarily designed: (i) to provide permanent living quarters for year-round use, (ii) to include a gross area exceeding 400 square feet in the set-up mode, and (iii) is built to the IRC. This section does not apply to structures built under the 24 CFR 3280 and CFR 3282 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, (HUD Code – which regulates manufactured homes for year-round use with more than 400 square feet) and the American National Standards Institute (ANSI) A119.5

(which regulates “park model homes” for seasonal use, with less than 400 square feet, and built to ANSI A119.5 Standards).

- B. All manufacturers of modular homes shall certify in the application that they will fully comply with the Mississippi Insurance Department Regulation Number ME-2007-3, which is entitled “Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes.”
- C. All manufacturer of modular homes shall certify in the application that approval of a building system shall bear the signature and seal of a responsible architect and/or engineer, duly registered in the State of Mississippi or in states whose licenses are recognized by the State of Mississippi, certifying that the building system complies with the Standards, as defined in ARTICLE II. – STANDARDS, of this Regulation.
- D. All manufacturer applicants of modular homes shall certify in the application that approval of a building system shall bear the signature and seal of a Mississippi-approved third-party agency certifying that the building system complies with the Standards, as defined in ARTICLE II., STANDARDS, of this Regulation.
- E. All manufacturer applicants of modular homes shall certify in the application that approval of a building system shall bear the initial and seal of the State Fire Marshal's Office, certifying that the building system complies with the Standards, as defined in ARTICLE II, STANDARDS, of this Regulation.
- F. After July 1, 2005, every manufacturer of modular homes shall submit written certification stating that the contractor installer or modular home contractor is qualified to install their modular home. If, for just cause, a manufacturer revokes a contractor installer's or modular home contractor's certification, he shall give written notification to the Factory-Built Homes Division within five (5) working days. Manufacturers of modular homes are permitted in accordance with their manufacturer's license to install modular homes constructed by their company. If a modular manufacturer installs modular homes built by other modular manufacturers holding themselves out for hire to the public, they will be required to obtain an installer/transporter's license.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **3.03.5: Design Review/ Construction Inspection**

- A. All approved modular home design review/construction inspection agency applicants of modular homes shall certify in the application that they will fully comply with the International Residential Code, the Uniform Standards Code for Factory-Built Homes Law, codified at Mississippi Code Annotated, Section 75-49-1 *et seq.*, and this Regulation.



1. Approval

- a. No person shall act as a design review/construction inspection agency under this Regulation without a valid Letter of Approval from the Commissioner, acting through the State Deputy Fire Marshal and the Factory-Built Home Division (hereinafter referred to as “Division”).
- b. An application for approval as a design review/construction inspection agency shall be submitted on the requesting company’s stationery. The application for approval shall be accompanied by a prospectus describing:
  - i. The applicant's qualifications to review plans, specifications, and building systems of modular building units or components for compliance with the Standards, as defined in this Regulation.
  - ii. The education and qualifications of the employees who would conduct the actual reviews of plans, specifications, and building systems.
  - iii. The management and professional personnel (including an architect or engineer duly registered in the State of Mississippi) responsible for compliance with these provisions of this Regulation.
  - iv. The applicant's experience in third-party design review/construction inspection.
  - v. The applicant's organizational structure.
- c. The Division shall be notified in writing of any change in the information furnished in an application within thirty (30) days of such change.
- d. The Division shall issue a Letter of Approval to qualified applicants.
- e. All approvals issued under this Regulation shall expire on June 30 of each year.
- f. An application for renewal of an approval shall be submitted on the form prescribed by the Division.

**3.03.5-1: Approved Design Review Agencies**

- A. Each approved design review agency shall do the following:

1. Investigate, evaluate, test, and, if justified, approve under the Standards, as defined herein, each set of building system documentation (or amendment thereto) submitted by the manufacturer(s) which such agency serves.
  2. Investigate, evaluate, test, and, if justified, approve the compliance assurance program (or amendment thereto) relating to the manufacture of modular homes and components described in each set of building system documentation submitted to such agency.
  3. Prepare and periodically revise, as necessary, the building system approval report for each set of approved building system documentation and related compliance assurance program.
  4. Prepare all reports which the Division may reasonably require in carrying out its responsibilities under this Regulation.
  5. Submit three (3) copies of third-party sealed plans, bearing the signature and seal of the responsible architect and/or engineer, duly registered in the State of Mississippi, to State Fire Marshal's Office.
- B.** Nothing in this Regulation shall preclude the Division from approving a qualified person or entity as both a design review and construction inspection agency.

#### **3.03.5-2: Building Systems and Compliance Assurance Programs**

##### **A. Approval Required.**

1. No modular home or component shall be manufactured for sale or installation in this state until the building system and compliance assurance program therefor have been approved by an approved design review agency.
2. Separate approval of a building system and compliance assurance program must be obtained for each location at which the manufacturer intends to produce modular homes or components.
3. The manufacturer shall submit three (3) copies of proposed building system and compliance assurance program documentation to an approved design review agency in the manner prescribed in this rule.

#### **3.03.5-3: Submission of Building Systems**

##### **A. General Requirements:**

1. An application for approval of a building system shall bear the signature and seal of the responsible architect and/or engineer, duly registered in the State of Mississippi, certifying that the building system complies with the Standards defined herein.
2. All documents submitted with the application shall indicate the manufacturer's name, office address, and the address of the manufacturing facility.
3. The manufacturer shall submit plans showing all elements relating to specific systems on properly identifiable sheets. All sheets shall contain a blank rectangular space near the title box for the approved design review agency's stamp of approval.
4. All work to be performed on-site, including locations of connections for all systems, equipment, and appliances shall be identified and distinguished from work to be performed in the manufacturing facility.
5. The nature, grade, and quality of all materials shall be specified.
6. Design calculations and test reports shall be submitted when required by the Division.
7. Drawings shall be drawn to scale, dated, and identified. Further, the number of sheets in each set shall be numbered.
8. Drawings shall indicate the location of the label and data plate.

#### **3.03.5-4: Required Construction Details**

- A. The building system for a modular home shall provide or show, but not be limited to, the following details, including the method of their testing or evaluating (or both)
  1. General Detail Requirements
    - a. Details and methods of installation of modular building units or components on foundations and/or to each other.
    - b. Attic access and attic ventilation.
    - c. Sizes, locations, and types of doors and windows.
    - d. Recommended foundation plans, vents, and under floor access.

- e. Insulation value for water, piping, air ducts, walls, attic flues, and ground flues (if above grade).
  - f. Information contained in the manufacturer's data plate.
2. The requirements of this subparagraph (b) shall apply to building systems for components only to the extent deemed necessary by the approved design review agency to permit proper evaluations of such components.

**3.03.5-5: Submission of Compliance Assurance Programs**

- A. General Requirements - It is the responsibility of the manufacturer to take the following actions:
- 1. Execute every aspect of its compliance assurance program.
  - 2. Take any required corrective action with respect to such program.
- B. The manufacturer shall cooperate with the approved construction inspection agency by providing such agency with all necessary reports, information, documents, records, facilities, equipment samples, and other assistance for assuring compliance.
- C. An application for approval of a compliance assurance program shall be submitted in the form of a compliance assurance manual containing complete documentation of all the compliance assurance activities of the manufacturer. The manual shall include an index and shall treat in detail the following material:
- 1. Organizational Structure.
    - a. An organizational structure (including names, training, and qualification of responsible officers and employees) for implementing and maintaining the compliance assurance program and its functional relationship to other elements of the manufacturer's organizational structure. The personnel in charge of the compliance assurance program must be independent of the production department.
    - b. A uniform system of audit (in-depth analysis of program effectiveness and means to identify deficiencies) to monitor program performance periodically.
    - c. A system to control changes in production or inspection procedures.

- d. A system to assure that working drawings and specifications, working instructions and standards, procurement documents, etc., conform to the approved building system.
- e. A serial numbering system for modular building units or components.
- f. The method of storing, handling, issuing, attaching, and accounting for all labels to assure that they are attached only to modular building units or components manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program.
- g. A procedure for periodic revision of the manual.

## 2. Materials Control

- a. Procedures for inspection of materials, supplies, and other items at the point of receipt.
- b. Method for protection of materials, supplies, and other items against deterioration prior to their incorporation into the labeled modular building unit or component.

## 3. Production Control.

- a. Procedures for timely remedial and preventive measures to assure product quality.
- b. Provision, maintenance, and use of testing and inspecting equipment to assure compliance with the approved building system.
- c. Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.
- d. A schematic detail of the manufacturing operation showing the location of inspection stations and “hold” points for mandatory inspection characteristics.
- e. Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics.
- f. Standards of workmanship.
- g. Provision for disposal of rejects.

#### 4. Finished Product Control

- a. Procedure for final inspection of all modular home or components before shipment to the site or storage point, including identification and labeling.
- b. Procedure for handling and storing all finished modular homes or components, both at the manufacturing plant or other storage point and after delivery to the site.
- c. Procedure for packing, packaging, and shipping operations and related inspections.

#### 5. Installation Control.

- a. Installation procedures, including component placement, equipment, and procedures, field erection and finishing work, utility connection instructions, and all appropriate on-site inspection criteria and test descriptions.
- b. Organization provisions for field repair and disposal of rejects.

### **3.03.5-6: Review and Approval**

- A. The approved design review agency shall evaluate the building system and compliance assurance program documentation to determine compliance with the Standards defined herein. Such agency may require tests to determine whether a building system or compliance assurance program meets the Standards defined herein if that determination cannot be made from an evaluation of the plans, specifications, and documentation alone.
- B. The approved design review agency shall approve the manufacturer's building system and compliance assurance program when it determines that they meet the Standards as defined herein. Within thirty (30) days of approval, such agency shall forward to both the manufacturer and the Division a complete copy of the approved building system and compliance assurance program documentation and the building system approval report. Each transmittal to the Department of a set of approved documentation for a modular homes or component shall be accompanied by an administrative fee.

### **3.03.5-7: Variations.**

- A. No approved building system (or amendment thereto) shall be varied in any way without prior authorization by the approved design review agency. If such authorization is oral, it shall be confirmed in writing within ten (10) days.

- B. All approved variations shall be made a part of the written record of the approval of the building system.

**3.03.5-8: Withdrawal of Approval.**

- A. The Division or approved design review agency may withdraw the approval of any building system or compliance assurance program if one of the following conditions occurs:
  - 1. Such approval was granted in error;
  - 2. Such approval was granted on the basis of incorrect information; or
  - 3. Such building system or compliance assurance program fails to comply with the provisions of this Regulation.
- B. The Division or agency instituting withdrawal of approval shall notify the manufacturer in writing within ten (10) days of the effective date of such withdrawal. Such notice shall clearly set forth the reasons for the withdrawal of approval.
- C. Upon such withdrawal of approval, the manufacturer shall not attach a label to any modular home or component manufactured pursuant to the building system or compliance assurance program whose approval was withdrawn. However, the department or approved construction inspection agency may thereafter label such unit or component as it determines to be in compliance with the Standards defined hereinafter a complete inspection.
- D. The manufacturer shall return all unused labels allocated for modular building units or components to the Division within thirty (30) days after the effective date of withdrawal of approval of the building system or compliance assurance program pursuant to which such units or components are manufactured. The manufacturer shall also return to the Division all labels which it determines for any reason are no longer needed.

**3.03.5-9: Approved Construction Inspection Agencies**

**A. General Requirements**

- 1. In addition to the requirements imposed on a Construction Inspection Agency in Section 304 herein, each approved construction inspection agency shall comply with the following requirements:
  - a. Monitor the compliance assurance program of each manufacturer which such agency serves;

- b. Verify that modular homes and components have been manufactured pursuant to approved building system documentation and approved compliance assurance program;
- c. Authorize the attachment of labels to such modular homes and components; and
- d. Prepare all reports which the Division may reasonably require in carrying out its responsibilities under this Regulation.

**3.03.5-10: Initial Plant Certification Inspection**

- A. No data plate shall be affixed to any modular home or component until the approved construction inspection agency has completed an initial plant certification inspection of the manufacturer's facility.
- B. The initial plant certification inspection shall consist of a complete evaluation of the manufacturer's adherence to its compliance assurance program and capability of producing unit or component in accordance with approved building system.
- C. The approved construction inspection agency shall become familiar with every aspect of the manufacturer's approved building system and compliance assurance program.
- D. The approved construction inspection agency shall make a complete inspection of the manufacturer of at least one (1) modular building unit and any component(s) pertaining to that particular unit throughout all of the operation in the facility. If the first unit or component inspected fails to conform to the Standards defined herein, additional units or components shall be similarly inspected until the agency is satisfied that the manufacturer is complying with an approved building system and the Standards defined herein.

**3.03.5-11: Plant Certification Report**

- A. If on the basis of the initial plant certification inspection, the approved construction inspection agency determines that the manufacturer is in compliance with its approved building system, compliance assurance program, and the Standards defined herein, the agency shall prepare and forward to the Division a certification report. The certification report shall include the following information:
  - 1. The name and address of the manufacturing facility;
  - 2. The name of the approved design review agency which approved the manufacturer's building system and compliance assurance program, and the dates of such approvals;



3. The names and titles of the inspection agency personnel performing the initial plant certification inspection;
4. The serial numbers of the modular homes or components inspected;
5. A full report of all inspections conducted, non-conformities observed, and corrective actions taken, and;
6. The date of certification.

**3.03.5-12: Frequency of Inspections**

- A. After the initial plant certification, the approved construction inspection agency shall inspect as follows:
  1. Each modular home or component in at least one stage of construction;
  2. Every stage of construction during the course of each inspection visit to a manufacturing facility.
  3. Conduct unannounced inspections at the manufacturing site to review any aspects of the manufacturing process.
- B. However, nothing in this section shall preclude an approved construction agency from conducting inspections at a greater frequency than the minimum prescribed herein if, in the agency's professional judgment, such action is necessary to discharge its responsibilities properly. In determining the appropriate frequency of Inspection for any manufacturer, an approved construction inspection agency should consider such factors as:
  1. The production volume of the factory;
  2. The complexity of the design;
  3. The qualifications of the manufacturer's quality control personnel; and
  4. The experience record of the manufacturer.

**3.03.5-13: Data Plates**

- A. The approved construction inspection agency of modular homes shall permanently attach, in a visible location as shown on the modular home, a data plate to each modular home or component accepted as having been manufactured in accordance with the Standards defined herein. The data plate shall contain the following information:

1. The manufacturer's name and address;
  2. The serial number of the unit or component;
  3. The label serial number;
  4. The date of manufacture;
  5. The name of the manufacturer and the model designation of each major factory installed appliance;
  6. The title and edition of each applicable nationally recognized code with which the unit or component complies. Compliance with each applicable nationally cognized code shall be verified by the Mississippi architect or engineer's signature and seal; and
  7. Snow, wind, seismic, and other live loads as required in Chapter 3 of the IRC;
- B. The data plate(s) shall be attached to the modular building unit or component in the vicinity of the electrical distribution panel, or in some other location where it will be readily accessible for inspection. See example: **Appendix A**. The data plate contains all relevant information regarding construction standards as they may be revised or amended.
- C. If, in the opinion of the Division, the shape or size of a component is such that a data plate cannot be attached to it permanently, the information required by this Regulation may be placed as follows:
1. In a manual, enclosed with the component, if such information will be needed by future occupants of the building; or
  2. On the shipping container in which the component is shipped, if such information will not be needed by future occupants of the building.
  3. However, if life safety is affected, the item in question shall be plainly designated.
- D. The Division will supply data plates to approved construction inspection agencies upon request. Each data plate will bear the following statement:

<p>"This unit has been constructed in compliance with the International Residential Code, as published by the International Code Council, Birmingham, AL, as required by "The Uniform Standards Code For Factory-Built Homes Law" (Modular Homes), <u>Mississippi Code Ann.</u>, Section 75-49-1, <i>et seq.</i></p>
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- E. If the approved construction inspection agency determines that a manufacturer's record of compliance is such that the agency need not maintain an inspector in the plant at all times, such agency may entrust data plates to the custody of one or more employees of the manufacturer. Such employees shall not be given custody of more data plates than are necessary to accommodate the manufacturer's anticipated production for one month. If the conditions of such custody are violated, the approved construction inspection agency shall immediately regain possession of all data plates that have not been attached to modular homes or components. The approved construction inspection agency shall take such further action with respect to units or components already labeled, and with respect to future labeling, as the agency may deem necessary to assure compliance with this Regulation.
- F. The approved construction inspection agency and, if entrusted with labels as provided in paragraph (e) above, the manufacturer shall keep permanent records of the handling of all data plates. A copy of such records shall be sent to the Division upon request. The records shall specify at least the following information:
  - 1. The number of data plates attached to modular homes or components;
  - 2. The identity of each unit or component to which a data plate has been attached and the serial number of such data plate, including, but not limited to, the serial number for the unit/component and the data therefor;
  - 3. The disposition of any damaged or rejected data plates; and
  - 4. The location and custody of all unused data plates.

**3.03.5-14: Fees for Data Plates**

- A. An administrative fee shall be charged for each data plate to be attached to a modular home or component.
- B. The fee for replacement of a lost, damaged, or removed data plate shall be an administrative fee per data plate.
- C. The approved construction inspection agency shall collect all data plate fees from the manufacturer before assigning data plates for attachment in a plant or entrusting data plates to the manufacturer's custody as provided in Section 304.4 E of this Regulation.
- D. Data plate fees shall be paid for by check or money order made payable to the Office of the State Fire Marshal.

**3.03.5-15: Alterations of Labeled Units (Data Plates)**

- A. No modular home or component bearing a data plate shall be modified prior to or during installation unless an approved design review agency has approved the modification and the unit which includes the modification.
- B. An approved construction inspection agency must inspect any modified component wherever it is located. Such inspection may include such tests or destructive or nondestructive disassembly as such agency deems necessary to assure compliance with this Regulation.

#### **3.03.5-16: Removal of Data Plates**

- A. The Division or an approved inspection agency shall remove or cause to be removed any data plates from modular homes or components found not to comply with the manufacturer's approved building system or approved compliance assurance program.
- B. The Division or agency instituting removal of a data plate shall send the manufacturer a written notice setting forth the reasons for such removal within ten (10) days thereafter.

#### **3.03.5-17: Installation Procedures**

- A. The installation of a modular home or component shall conform to the specifications contained in the manufacturer's approved building system.
- B. The manufacturer, retailer, modular home contractor, and developer shall furnish the installer and affected local government, if requested, a complete set of installation specifications at least ten (10) days prior to the commencement of installation work.
- C. Specific installation procedures provided by the manufacturer shall include the following:
  - 1. Connection details of modular home or components to the foundation.
  - 2. Structural connections between the modular home and component.
  - 3. Connections required completing the mechanical and/or utility system.
  - 4. Any special conditions affecting other structural elements.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

#### **3.03.6: Retailers**

- A. In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for a retailer's license shall comply with the following requirements:

1. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of modular home construction and repair;
2. Demonstrate to the Commissioner that he has a good practical working knowledge of and will comply with the requirements of the International Residential Code, as they pertain to the responsibilities of a retailer to properly safeguard the public interest;
3. Demonstrate to the Commissioner that he has an adequate space to display his modular homes at each sales lot. Each sales lot shall comply with the following requirements:
  - a. Maintain a permanent sales office at each sales lot. Each permanent office at each sales lot shall have running water and sewer facilities for public comfort and convenience and shall comply with the county health department regulations and other applicable safety standards for a permanent sales site in the county or municipality in which it is located.
  - b. Comply with all local ordinance signage requirements. If there are no municipal or county signage requirements, each sales lot sign shall be at least four (4) feet by eight (8) feet in size, with lettering at least twelve (12) inches high. This sign shall be prominently located on the site for viewing by the public.
4. Demonstrate to the Commissioner that he has or shall have adequate facilities for the repair and servicing of modular homes and storage of parts and accessories and that he has at least one operable service truck.

**Exception:** If the retailer is subcontracting with other entities for the installation, repair, and service of modular homes, then the retailer shall provide a duplicate of the executed subcontract to the Commissioner. This subcontract shall contain a clause stating that the Commissioner will be notified in writing thirty (30) days in advance of any cancellation of the subcontract.

5. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of these Regulations, ME-2007-3, as they pertain to the responsibilities of a retailer to properly safeguard the public interest. No retailer shall use transportation affecting interstate or foreign commerce or the United States mail to sell, lease, or offer for sale or lease in the State of Mississippi any modular home unless the retailer, acting as a reasonable retailer, does not know that the modular home does not conform to applicable Standards as defined herein. This sales prohibition applies to any affected modular home through the completion of the entire sales transaction. A sales transaction

with a purchaser is considered complete when all the goods and service that the retailer agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale occurs at the time the retailer completes setup of the modular home if the retailer has agreed to provide setup; however, if the retailer has not agreed to transport or setup the modular home, this sales prohibition does not apply.

6. Ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and that thereafter they will attend an additional eight (8) hours training every three (3) years. This training must be approved and/or provided by the Factory-Built Home Division. Retailers shall display the current training certificates of all sales staff at the retailer's current business location. The employer of the sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff, their dates of employment, and proof of the required training.

#### **3.03.6-1: Retailers' Temporary Promotional Activity**

- A. Nothing in this Regulation shall prohibit a licensed Mississippi retailer that has a permanent sales center from conducting a temporary promotional activity to retail consumers at a location other than its licensed permanent retailer location provided the following provisions are satisfied:
  1. The licensed Mississippi retailer shall provide thirty (30) days' advance written notice to the Factory-Built Home Division of the State Fire Marshal's Office of this promotional activity through submission of a license application for the promotional activity. The licensed Mississippi retailer shall submit with this license application any applicable county or municipal permits and shall allow adequate time for site inspection by the State Fire Marshal's Office.
  2. Any license issued for a temporary promotional activity will be effective only for that period of time (actual days) during which sales are actively solicited or the period of time during which homes are promoted by the retailer. However, the temporary promotional activity must not exceed seventeen (17) consecutive days in duration and may not be repeated at the same location within the next six (6) months.
  3. The temporary promotional activity must occur within the county in which the retailer has a licensed permanent sales center or within a fifty (50) miles radius of the location of the permanent licensed Mississippi sales center location, whichever is greater.
  4. There must be adequate space to display the modular homes at the temporary promotional site.

5. The temporary promotional site shall have running water and sewer facilities for public comfort and convenience and shall comply with the health and safety standards, as well as with other applicable local ordinance requirements, for a temporary sales site in the county or municipality in which the site is located.
6. If there are no municipal or county signage requirements, the temporary promotional site shall have a sign at least four (4) feet by eight (8) feet in size, with lettering at least twelve (12) inches high, advising the public that this is a temporary location, and designating the address of the permanently-licensed sales center/location of the retailer. This sign shall be prominently located on the temporary promotional site for viewing by the public.
7. A separate license be must be issued by the Commissioner for each temporary promotional site where employees or agents of the retailer meet the public, regardless of whether or not sales will be made on such site.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **3.03.7: Developers**

- A. In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for a developer's license shall comply with the following requirements:
  1. Demonstrate to the Commissioner that he has a good general working/mechanical knowledge of modular home construction and repair;
  2. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed in accordance with the rules, regulations, and procedures that are promulgated by the Commissioner;
  3. Demonstrate to the Commissioner that he has or shall have adequate facilities for the repair and servicing of modular homes, for the storage of parts and accessories, and that he has at least one operable service truck. If, however, the developer is subcontracting to other entities all installation, repair, and service, then he shall provide a duplicate of the executed subcontract therefor to the Commissioner. This subcontract shall contain a clause stating that the Commissioner shall be notified in writing 30 days in advance of any cancellation of the subcontract.
  4. Demonstrate to the Commissioner that he has an adequate space to display his modular homes at each development site and that he has or shall maintain a permanent sales/business office within the State of Mississippi. This permanent

sales/business office shall have running water and sewer facilities for public comfort and convenience, shall comply with all local ordinance signage requirements, and shall comply with the county health department regulations and other applicable safety standards for a permanent structure in the county or municipality in which it is located. If there are no municipal or county signage requirements, the developer's sign shall be at least four (4) feet by eight (8) feet in size, with lettering at least twelve (12) inches high. This sign shall be prominently located on the site for viewing by the public.

5. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the Rules and Regulations for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes, (ME-2007-3), as they pertain to the responsibilities of a developer to properly safeguard the public interest. No developer shall use transportation affecting interstate or foreign commerce or the United States mail to sell, lease, or offer for sale or lease in the State of Mississippi any modular home unless the developer, acting as a reasonable developer, does not know that the modular home does not conform to applicable Standards as defined herein. This sales prohibition applies to any affected modular homes through completion of the entire sales transaction. A sales transaction with a purchaser is considered complete when all the goods and service that the developer has agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale occurs at the time the developer completes setup of the modular home if the developer has agreed to provide setup; however, if the developer has not agreed to transport or setup the modular home, this sales prohibition does not apply;
6. Ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and that, thereafter, they will attend an additional eight (8) hours training every three (3) years. This training must be approved and/or provided by the Factory-Built Home Division. The developer shall display current training certificates of all sales staff at the developer's current business location. The employer of the sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff, their dates of employment, and proof of the required training.
7. To ensure compliance with Mississippi Code Ann., Section 75-49-9(2), it shall be the responsibility of each developer to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for each modular home that is scheduled to be delivered or installed. This Installation Property Locator form must be submitted during the regular business hours of the State Fire Marshal's Office. Further, this form must be submitted seventy-two (72) hours, (3 days), **prior** to delivery or installation of the modular home. The purpose of the Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required by this Regulation.



Source: *Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)*

**3.03.8: Modular Home Contractors**

- A. In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for a Modular Home Contractor's license shall comply with the following requirements.
1. Submit a copy of a current factory-built home retailer's privilege license as issued by the Mississippi State Fire Marshal's Office; or
  2. Submit a current residential builder's license as issued by the Mississippi State Board of Contractors.
  3. Demonstrate to the Commissioner that he has a good general working/mechanical knowledge of modular home construction.
  4. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed in accordance with the rules, regulations, and procedures that are promulgated by the Commissioner;
  5. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the Rules and Regulations for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes, (ME-2007-3), as they pertain to the responsibilities of a modular home contractor to properly safeguard the public interest. No modular home contractor shall use transportation affecting interstate or foreign commerce or the United States mail to sell, lease, or offer for sale or lease in the State of Mississippi any modular home unless the modular home contractor, acting as a reasonable modular home contractor, does not know that the modular home does not conform to applicable Standards as defined herein. This sales prohibition applies to affected modular homes through the completion of the entire sales transaction. A sales transaction with a purchaser is considered complete when all the goods and services that the modular home contractor agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale occurs at the time the modular home contractor completes setup of the modular home if the modular home contractor has agreed to provide setup; however, if the modular home contractor has not agreed to transport or setup the modular home, this sales prohibition does not apply;
  6. Ensure that within one (1) year of employment, all installation staff, including, but not limited to, supervisors, superintendents, and others overseeing or carrying

out installation will attend eight (8) hours training per licensing year to be approved and/or provided by the Factory-Built Home Division of the State Fire Marshal's Office.

7. To ensure compliance with Mississippi Code Ann., Section 75-49-9 (2), it shall be the responsibility of each modular home contractor to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for each modular home that is scheduled to be delivered or installed seventy-two (72) hours, (3 days), **prior** to the delivery or installation of the home. This Installation Property Locator form must be submitted during the regular business hours of the State Fire Marshal's Office. The purpose of the Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required herein. A modular home contractor shall be responsible for installation requirements for modular housing as set forth in this Regulation.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **3.03.9: Independent Contractor Installer or Transporter**

- A. In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for an independent contractor installer or transporter license shall comply with the following requirements:
  1. Prior to the issuance of a privilege license:
    - a. Verify in writing and/or submit a copy of an appropriate training certificate that he has attended an approved eight (8) hour installation and set-up training class.
    - b. Demonstrate to the Commissioner that he has obtained a written certification from each manufacturer of any modular home he will be installing by providing a copy of the manufacturer certification(s) to this Division.
  2. Demonstrate to the Commissioner that he has a good general working/mechanical knowledge of modular home construction and repair.
  3. Demonstrate to the Commissioner that the set-up crew shall insure that the manufacturer's installation instructions shall be available on the job site at the time of installation and/or inspection, as required by the Factory-Built Home Division of the State Fire Marshal's Office.

4. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the International Residential Code, as it pertains to the responsibilities of installers or transporters to properly safeguard the public interest.
5. Demonstrate to the Commissioner that he is in compliance with the applicable requirements of the Mississippi Department of Transportation (MDOT), as the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, modular home contractors, developers, and installer/transporters) shall comply with the requirements regarding transportation of modular homes under the jurisdiction of MDOT in the State of Mississippi.
6. Demonstrate that he will attend eight (8) hours of training per licensing year (July 1 - June 30) as provided by, approved by, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office.

**EXCEPTION:** A licensee who has a physical or mental disability or illness during the license period may apply for a petition of exemption. A petition of exemption provides an extension of time for the continuing education requirements. The petition of exemption requires the signature of a licensed health care professional, who can attest to the existence of a disability or illness during the license period. If the petition is from a licensee who is the primary caregiver for a relative who is ill or disabled and needs care from the primary caregiver, the physician shall verify the licensee's status as the primary caregiver. A licensee who applies for an exemption shall be notified of the decision regarding the petition in writing from the State Fire Marshal's Office. A licensee who obtains approval shall retain a copy of the exemption letter to be presented to the State Fire Marshall's Office upon completion of the continuing education requirements. The State Fire Marshal's Office may, as a condition of any extension granted, require the licensee to make-up the continuing education requirement in the manner determined by the State Fire Marshal's Office.

7. All installer/transporters, retailers, modular home contractors, and developers who install modular homes shall be required to display a license decal on the driver's door of all trucks (toter) and service vehicles. The original decal will be issued by the State Fire Marshal's Office/Factory-Built Home Division, based upon the number requested by the licensee at time of renewal. Any additional decals required by the licensee will have to be purchased from the Division at its cost of production of the decals. This decal shall denote the current date of the licensing period. The decal must be placed on the driver's door of the vehicle in plain view to verify the existence of a current license.

8. On or from July 1, 2005, after the receipt of verifiable information from any source, all independent contract installers retained by homeowners, retailers, developers, modular home contractors, or manufacturers shall be subject to the fines as set forth in this Regulation for the improper installation of modular homes.
9. All independently contracted installers/transporters, retailers, developers, modular home contractors, or manufacturers shall permanently attach a serial numbered installation decal near the electrical panel box on each modular home to verify it has been installed in accordance with the manufacturer's specifications and the authority having jurisdiction in coded areas as defined in this Regulation. In the absence of installation manual, all independently contracted installers/transporters, retailers, developers, modular home contractors, or manufacturers shall comply with the State of Mississippi's rules and regulations by doing the following:
  - a. Requesting such installation decals from the State Fire Marshal's Office, who will supply decals to each licensed retailer, developer, modular home contractor or independent installer/transporter upon written request. Each installation decal will have the installer's name, address, date of installation, and license number, and will bear the following statement:

THIS FACTORY-BUILT, MOBILE OR MODULAR HOME HAS BEEN INSTALLED IN COMPLIANCE WITH THE UNIFORM STANDARDS CODE FOR THE FACTORY-BUILT HOMES LAW. ANYONE TAMPERING WITH OR REMOVING THIS INSTALLATION DECAL FROM THIS UNIT WILL BE PROSECUTED AS SET FORTH IN THESE RULES AND REGULATIONS, AND SHALL BE SUBJECT TO SUSPENSION OR REVOCATION OF THEIR PRIVILEGE LICENSE. ( <u>MISSISSIPPI CODE ANN.</u> , SECTION 75-49-1 <i>ET SEQ.</i> , (1972 AND 2007 SUPP.).
---

**3.03.9-1:-** Written Examination for Independent Contractor Installer or Transporter

Effective July 1, 2005, to demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed, and in accordance with rules, regulations and procedures promulgated by the Factory-Built Home Division of the State Fire Marshal's Office, every independent contractor installer or transporter who transports or installs modular homes within the State of Mississippi shall have passed a written examination. A passing score shall be a score of 70 or above. The examination shall consist of questions determined by the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to modular homes in the State of Mississippi and questions specifically related to the practical installation of modular homes in this state. The examination shall be provided by the Commissioner or by testing service acting on behalf of the

Commissioner. The applicant is responsible for registering with the testing service to schedule the examination and is responsible for all fees. The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all procedures established with regard to conduct at the examination may be grounds for denial of the application.

Source: Miss. Code Ann. §§ 75-49-1, et seq. (Rev.2009)

### **Rule 3.04: Inspection Procedures**

#### **3.04.1: General**

- A. To ensure compliance with this Regulation and applicable Mississippi law, the Factory-Built Home Division of the State Fire Marshal's Office shall:
1. Periodically inspect each manufacturing location to assist and insure that modular homes are being constructed in compliance with the International Residential Code and this Regulation.
  2. Periodically inspect each modular home contractor, retailer, and developer location to insure that modular homes offered for sale and being installed comply with the International Residential Code and this Regulation.
  3. At reasonable hours and without advance notice:
    - a. Inspect any activities carried on by a modular home manufacturer, retailer, modular home contractor, developer, installer, or transporter which are regulated hereunder; and
    - b. Monitor the performance of any approved modular home inspection agency in order to determine whether it is properly discharging its responsibilities under this Regulation.
  4. Periodically inspect site locations where modular homes have been delivered by retailers, modular home contractors, developers, independent contractor installers, or transporters when such home is to be used for humanhabitation to insure that the home is properly installed as required by these Regulations and Mississippi Code Ann., Section 75-49-7.
  5. Manufacturing plants located in or outside the State of Mississippi, distributors, modular home retailer's sales lots, developer's lots, modular home contractor's construction sites, and independent contractor installers or transporters' business locations and equipment shall be subject to inspections by State Chief Deputy Fire Marshal, State Deputy Fire Marshal's or their duly authorized representative as

required to insure compliance with Mississippi Code Ann., Section 75-49-11, as well as this Regulations.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

**3.04.2: Inspection Results and Non-Compliance Tag Attachment**

- A. Results of the Division's inspection may be made available to the modular home manufacturers, modular home contractors, retailers or developers upon written request. When serious violations are found, the Factory-Built Home Division of the State Fire Marshal's Office shall immediately attach a non-compliance identification tag to the unit in question.
- B. It shall be a violation of this Regulation for any factory built home to be sold or offered for sale which has a non-compliance identification tag attached. The wording on such tag shall be as follows:

"This unit, having been found to be in NON-COMPLIANCE with the Uniform Standards Code for Factory-Built Homes Law as Related to Modular Homes and its implementing Regulation, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Non-Compliance Identification Tag from this unit will be prosecuted as set forth in the Regulation and shall be subject to revocation of his license."

- C. A non-compliance identification tag attached to a unit may be removed only by the Factory-Built Home Division of the State Fire Marshal's Office. Such tag shall be completed as required by the non-compliance identification tag.
- D. When the State Fire Marshal has reasonable ground to believe that a unit has been constructed in non-compliance with the Standards as defined herein, he may require, at the manufacturer's expense, that the walls, floors, decking, or other panels be removed for the purpose of inspection.
- E. Units having been identified as being in non-compliance with this Regulation and having a non-compliance tag attached may be transported and relocated only after written notice has been given to the Factory-Built Home Division of the State Fire Marshal's Office. Such written notice will set forth the purpose for moving such unit, to whom the unit is to be delivered, along with the complete mailing address and telephone number of the person to whom the unit is to be delivered, the serial number of the unit, and any other information as may be requested by the State Fire Marshal's Office.
- F. When these violation(s) have been corrected, the unit in question shall be re-inspected by the Factory-Built Home Division of the State Fire Marshal's Office. If the unit is then found to be in compliance with the International Residential Code, the inspector shall

remove the non-compliance identification tag. The unit can then be sold or offered for sale.

- G. All modular homes, delivered by retailers, modular home contractors, developers or installers/transporters to any site where such home is to be used for human habitation shall be in accordance with all rules, regulations and procedures required by the Factory-Built Home Division of the State Fire Marshal's Office, pursuant to Mississippi Code Ann., Section 75-49-7 (1992 and Supp. 2007).
- H. In the interest of public safety, deputy state fire marshals, who are certified law enforcement officers, are duly authorized to stop and conduct inspections of installers/transporters that are transporting modular homes to verify compliance with The Mississippi Uniform Standards Code for Factory-Built Homes Law, Mississippi Code Ann., Section 75-49-1, *et seq.*, (1992 and 2007 Supp.) and this Regulation.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **Rule 3.05: Hearings, Appeals, And Penalties**

#### **3.05.1: Hearings and Appeals**

- A. An administrative review of all licensees' (manufacturers, retailers, developers, modular home contractors and installers/transporters) privilege licenses pursuant to Mississippi Code Ann., Section 75-49-9(7) (1992 and Supp. 2007), shall be conducted upon receipt of a verifiable written complaint of any nature that exceeds sixty (60) days in length without resolution. This administrative review may result in a possible administrative hearing pursuant to Mississippi Code Ann., Section 75-49-13. The sixty (60) day period shall not serve as a mandatory waiting period. In the appropriate case, the Commissioner may, at his discretion, schedule an administrative hearing prior to the expiration of sixty (60) days.
- B. The Commissioner shall not deny an application for a license without first providing the applicant a hearing, or an opportunity to be heard, on the question of whether he is qualified under the provisions of the applicable Mississippi law and this Regulation to receive the license for which the applicant filed an application.
- C. The Commissioner shall not revoke or suspend a license without first giving the licensee a hearing, or an opportunity to be heard, on the question of whether there are sufficient grounds, under the provisions of the applicable Mississippi law and this Regulation, on which to base such revocation or suspension.
- D. Any interested party shall have the right to have the Commissioner call a hearing for the purpose of taking action in respect to any matter within the Commissioner's

jurisdiction by filing with the Commissioner a verified written complaint setting forth the grounds on which the complaint is based.

- E. The Commissioner may on his own motion call a hearing for the purpose of taking action in respect to any matter within his jurisdiction.
- F. When a hearing is to be held before the Commissioner, the Commissioner shall give written notice thereof to all parties whose rights may be affected thereby. The notice shall set forth the reason for the hearing, the questions or issues to be decided by the Commissioner at such hearing, and the time for and place where the hearing will be held. All such notices shall be mailed to all parties whose rights may be affected by such hearing by registered or certified mail, addressed to their last known address.
- G. All parties whose rights may be affected at any hearing before the Commissioner shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own behalf. The Commissioner shall make and keep a record of each such hearing and shall provide a transcript thereof to any interested party upon such party's written request and at the party's expense. The Commissioner will provide a transcript to the requesting party AFTER receiving payment for the transcript. Testimony taken at all hearings shall be taken either stenographically or by machine.
- H. If any party who is notified of a hearing as outlined herein fails to appear at such hearing, either in person or by counsel, the Commissioner may make any decision and take any action he deems necessary or appropriate with respect to any issues or questions scheduled for the hearing. In accordance with the applicable Mississippi law and this Regulation, the defaulting party shall have no right to appeal such a decision of the Commissioner.
- I. All decisions of the Commissioner with respect to the hearings provided for in this section shall be incorporated into orders of the Commissioner. All such orders shall be made available during normal office hours for inspection by interested persons.
- J. It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the Commissioner, when so directed by the Commissioner, to execute any summons, citation, or subpoena which the Commissioner may cause to be issued and to make his return thereof to the Commissioner. The sheriffs and constables so serving and returning same shall be paid for so doing the same fees provided for such services in circuit court. Any person who appears before the Commissioner or a duly designated employee of his department in response to a summons, citation, or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court. In case of failure or refusal on the part of any person to comply with any summons, citation, or subpoena issued and served as above authorized or in the case of



the refusal of any person to testify or answer to any matter regarding which he may be lawfully interrogated or the refusal of any person to produce his record books and accounts relating to any matter regarding which he may be lawfully interrogated, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the Commissioner, issue an attachment for such person and compel him to comply with such summons, citation, or subpoena and to attend before the Commissioner or his designated employee and to produce the documents specified in any subpoena duces tecum and give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt, as in case of disobedience of like process issued from or by any such chancery court, or by refusal to testify therein in response to such process, and such person shall be taxed with the costs of such proceedings.

- K. No decision of the Commissioner made as a result of a hearing under the provisions of this section shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies provided for by this section; provided, however, any such decision may be made final if the Commissioner finds that failure to do so would be detrimental to the public interest or public welfare, but the finality of any such decision shall not prevent any party or parties affected and aggrieved thereby to appeal the same in accordance with the appellate procedure set forth in this section.
- L. The Commissioner shall prescribe the rules of order or procedure to be used in hearings or other proceedings before him; however, these rules of order or procedure shall not be in conflict or contrary to the provisions of “The Uniform Standards Code for Factory-Built Homes Law,” codified at Mississippi Code Ann., Section 75-49-1 *et seq.*
- M. In accordance with Mississippi Code Ann. Section 75-49-13 (9), the following procedure shall govern in taking and perfecting appeals:
  - 1. Any person who is a party to any hearing before the Commissioner and who is aggrieved by any decision of the Commissioner with respect to any hearing before him, unless prevented by the provisions of paragraph H. of this section, shall have the right of appeal to the chancery court of the county of such person's residence or principal place of business within this state. If any such person is a nonresident of this state, he shall have the right of appeal to the chancery court of the first judicial district of Hinds County, Mississippi. All such appeals shall be taken and perfected within sixty (60) days from the date of the decision of the Commissioner which is the subject of the appeal. The chancery court to which such appeal is taken may affirm such decision or reverse and remand the same to the Commissioner for further proceedings as justice may require or dismiss such decision. All such appeals shall be taken

and perfected, heard and determined, either in term time or in vacation, on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the Commissioner. In perfecting any appeal provided by herein, the provisions of law respecting notice to the reporter and allowance of bills of exceptions, now or hereafter in force, respecting appeals from the chancery court to the supreme court shall be applicable, provided, however, that the reporter shall transcribe his notes, taken stenographically or by machine, and file the record with the Commissioner within thirty (30) days after approval of the appeal bond, unless, on application of the reporter, or of the appellant, an additional fifteen (15) days shall have been allowed by the Commissioner to the reporter within which to transcribe his notes and file the transcript of the record with the Commissioner.

2. Upon the filing with the Commissioner of a petition of appeal to the proper chancery court, it shall be the duty of the Commissioner, as promptly as possible, and in any event within sixty (60) days after approval of the appeal bond, to file with the clerk of said chancery court to which the appeal is taken, a copy of the petition for appeal and of the decision appealed from, and the original and one (1) copy of the transcript of the record of the proceedings and evidence before the Commissioner. After the filing of said petition, the appeal shall be perfected by the filing of a bond in the penal sum of FiveHundred Dollars (\$500.00) with two (2) sureties or with a surety company qualified to do business in Mississippi as surety, conditioned to pay the costs of such appeal, said bond to be approved by the Commissioner or by the clerk of the chancery court to which such appeal is taken.

N. Nothing in this Regulation shall prohibit informal disposition by settlement or consent order, *i.e.*, an order based upon an agreement in writing, between the parties in lieu of an administrative hearing.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **3.05.2: Civil Penalties**

A. When any provision of “The Uniform Standards Code for Factory-Built Homes Law,” codified at Mississippi Code Ann., Section 75-49-1, *et seq.* (1992 and Supp. 2007), is violated, the State Chief Deputy Fire Marshal, State Deputy FireMarshals, or a duly authorized representative thereof shall file an appropriate action as set forth in Mississippi Code Ann. Section 75-49-13. The penaltiesinclude:

1. Any person who knowingly and willfully violates any of the provisions of the applicable Mississippi law and this Regulation shall be liable to the State of Mississippi for a civil penalty of not more than One ThousandDollars (\$1,000.00) for each such violation. Each violation of a provision of the applicable law and this Regulation made hereunder shall constitute a separate violation with respect

to each factory built home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars (\$1,000,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.

2. An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of the applicable law or this Regulation in a manner which threatens the health and safety of any purchaser of a factory built home is guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.
3. This penalty shall not apply to any person who establishes that he did not have reason to know, in the exercise of due care, that such factory built home was not in conformity with applicable factory built construction and
4. safety standards, or to any person who, before such first purchase, holds a certificate issued by the manufacturer or importer of such factory built home to the effect that such factory built home conforms to all applicable factory built home construction and safety standards, unless such person knows that such factory built home does not so conform.
5. An individual, or director, officer or agent of a corporation, who knowingly and willfully fails to obtain a required license in accordance with the applicable Mississippi law and this Regulation, and who knowingly and willfully violates any provisions of the applicable Mississippi law and this Regulation or any amended rules and regulations made hereafter, with respect to the manufacture, sale, distribution, safe anchoring, and blocking of a factory built home when such home is intended to be used for human habitation, shall, upon conviction by a court of competent jurisdiction, be guilty of a misdemeanor and shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

B. The schedule for civil penalties is listed below:

1. First Offense -- \$250.00 per violation;
2. Second Offense within twelve (12) months of the first offense -- \$500.00 per violation;
3. Third Offense within twelve (12) months of the first offense-- \$1000.00 per violation;

4. In lieu of the civil penalty and making the required corrections, the licensee has the option to request an administrative hearing

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **Rule 3.06: Severability**

If any provision of this Regulation or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or the application of the Regulation which can be given effect without the invalid provision or application, and to that end the provisions herein are declared to be severable.

Source: Miss. Code Ann. §75-49-5 (Rev.2009)

### **Rule 3.07: Local Code Adoption and Inspection**

#### **3.07.1: General**

- A. Any local government (county or municipality) which has adopted the latest edition and appendices of the International Building Code published by the International Code Council (formerly the Southern Building Code) as published by the Southern Building Code Congress International (SBCCI), or the board of supervisors of any county that has adopted Mississippi Code Ann., Section 75-49-21, will be regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance with this Regulation for the "Uniform Standards Code for Factory-Built Homes Law as related to Modular Homes." Resultantly, such county will assume responsibility for local code enforcement and inspections procedures for modular homes within their respective jurisdictions.
- B. Local governments may require, and charge a fee for, a building permit prior to the installation of a modular home or component. If requested by the local government, an applicant for such permit shall furnish the following information to the local government:
  1. A statement, signed by the applicant or his agent (with the appropriate address), that the work to be performed under such permit will include the installation of a labeled modular home or component in accordance with the provisions of this Regulation;
  2. A true copy of the approved building system pursuant to which the modular home or component was or is to be manufactured (unless that information has previously been furnished to such local government).

3. A local government may inspect site preparation work (including foundations) [not within the scope of the Standards as defined herein], as well as the structural, mechanical, plumbing, and electrical connection among modular homes, for compliance with applicable law. Copies of noted violations by the local government shall be forwarded to the State Fire Marshal's Office for review.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### 3.07.2: Preemption

- A. No county or municipal modular home ordinances, standards, or laws regarding modular home construction and design, which covers aspects of modular homes governed by the “Mississippi Uniform Standards Code for Factory-Built Homes Law” and this Regulation, shall be established or continue in effect with respect to modular homes subject this Regulation unless they are **identical** to the “Mississippi Uniform Standards Code for Factory-Build Homes Law” and this Regulation.
- B. No county or municipality may require, as a condition of entry into or sale in the State, a modular home certified by the application of the data plate required by this Regulation and the International Residential Code to be subject to county or municipality inspection to determine compliance with any ordinances, standards, or laws covering any aspect of the modular home covered by this Regulation. Nor may any county or municipality require that a county or municipal data plate be placed on the modular home certifying conformance to the rules and regulations. The actions that counties or municipalities are permitted to take are the following: connection of units, additions, zoning, utility connections, foundation inspections, and permits.
- C. This Regulation establishes the exclusive system for enforcement of the requirements of this Regulation. No county or municipality may establish or keep in effect, through a building code enforcement system or otherwise, procedures or requirements which constitute systems for enforcement of the “The Uniform Standards Code for Factory-Built Homes Law,” codified at Mississippi Code Ann., Section 75-49-1 et seq., and this implementing Regulation, or of identical county or municipal ordinances, standards, or laws which are outside the system established in this Regulation or which go beyond the system established in this Regulation to require remedial actions which are not required by this Regulation.
- D. No county or municipality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purposes and objectives of the Mississippi Legislature. The test of whether a county or municipal rule or action is valid or must give way to the requirements of “The Uniform Standards Code for Factory-Built Homes Law,” Mississippi Code Ann. Section 75-49-1 et seq., and this implementing Regulation, is whether the county or municipal rule can be enforced or

the action taken without impairing the governance of the modular home industry as established by the applicable Mississippi law and this Regulation.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

**Rule 3.08: Applicability**

After July 1, 2007, the provisions of “The Uniform Standards Code for Factory-Built Homes Law” codified at Mississippi Code Ann., Section 75-49-1 (1992 and Supp. 2007), *et seq.*, and this Regulation shall apply to all modular homes used for residential occupancy.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev.2009)

**Rule 3.09: Repeal of Regulation ME-2006-1**

Mississippi Insurance Department Regulation ME-2006-1 shall be repealed upon adoption of this Regulation, which bears Regulation Number ME-2007-3.

Source: Miss. Code Ann. §25-43-3.101, et seq. (Rev.2010)

**Rule 3.10: Effective Date**

This Regulation shall become effective immediately upon filing with the Office of the Mississippi Secretary of State.

Source: Miss. Code Ann. §25-43-3.101, et seq. (Rev.2010)

**Rule 3.11: Appendix A**

Source: Miss. Code Ann. §75-49-5 (Rev.2009)

APPENDIX A

State of Mississippi



Department of Insurance  
**OFFICE OF THE FIRE MARSHAL**  
Post Office Box 79, Jackson, Mississippi 39205  
Phone: (601) 359-1061 FAX: (601) 359-1076  
Email: firemarshal@mid.state.ms.us

MODULAR HOUSING DATA SUMMARY SHEET

Name(Manufacturer) \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ FAX No. \_\_\_\_\_

Applicable Codes

International Residential Code \_\_\_\_\_ Edition \_\_\_\_\_

TOTAL (Sq. Ft.) \_\_\_\_\_

Basic Wind Speed \_\_\_\_\_ mph (Fig. R301.2.1.5)

Importance Factor \_\_\_\_\_ (Table 1604.5)

Exposure Category (Section R301.2.1.4) \_\_\_\_\_ A \_\_\_\_\_ B \_\_\_\_\_ C \_\_\_\_\_ D \_\_\_\_\_ E

Structural Forces (Section 1603.1.1 and 1603.1.2) Mean roof height \_\_\_\_\_ ft  
Design Wind Velocity \_\_\_\_\_ m.p.h.

Floor Design: Live Load \_\_\_\_\_ p.s.f. Dead Load \_\_\_\_\_ p.s.f.

Roof Design: Live Load \_\_\_\_\_ p.s.f. Dead Load \_\_\_\_\_ p.s.f.

Windows and Door Wind Pressure Design Loading:  
Windows \_\_\_\_\_ p.s.f. Door \_\_\_\_\_ p.s.f. Garage Doors \_\_\_\_\_ p.s.f.

Wind Debris Area: Yes \_\_\_\_\_ No \_\_\_\_\_

I certify to the best of my knowledge and belief that this structure has been designed to comply with the International Residential Code or applicable code as amended and enforced by the permitting jurisdiction.

\_\_\_\_\_  
Architecture Signature

\_\_\_\_\_  
Date

Date of Manufacturer: \_\_\_\_\_

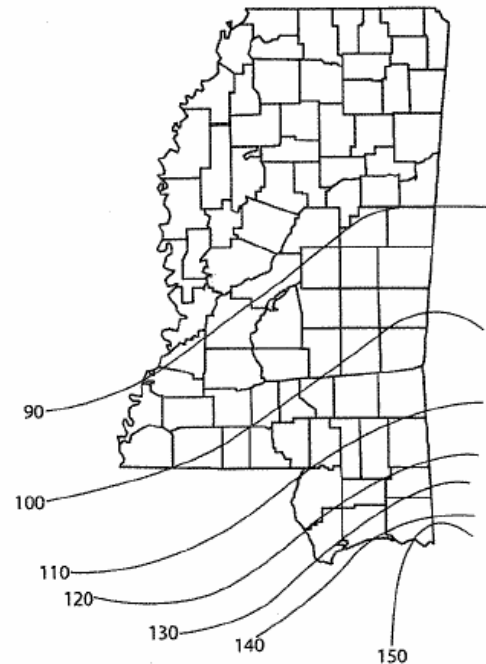
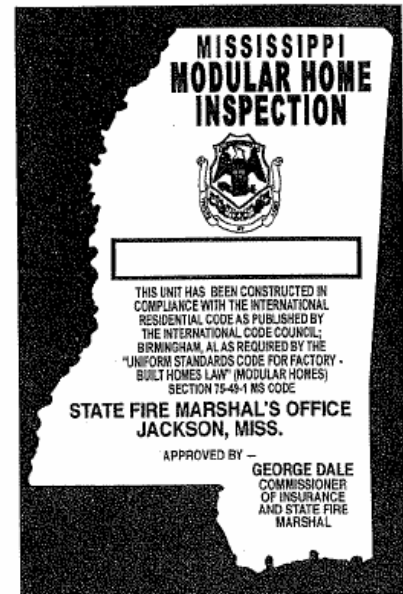
Manufacturer's Serial Number and Model Unit Designation: \_\_\_\_\_

Approved Design Review Agency: \_\_\_\_\_

Approved Construction Agency: \_\_\_\_\_

The factory installed equipment includes:

Equipment	Manufacturer	Model Designation
For heating	_____	_____
For air cooling	_____	_____
For cooking	_____	_____
Refrigerator	_____	_____
Water Heater	_____	_____
Washer	_____	_____
Clothes Dryer	_____	_____
Dishwasher	_____	_____
Garbage Disposal	_____	_____
Fireplace	_____	_____
Smoke Detector	_____	_____
Ceiling Fan	_____	_____
Microwave	_____	_____



For SI: 1 foot = 304.8 mm, 1 mile per hour = 0.447 m/s.  
a. Values are nominal design 3-second gust wind speeds in miles per hour at 33 feet above ground for Exposure C category.  
b. Linear interpolation between wind contours is permitted.  
c. Islands and coastal areas outside the last contour shall use the last wind speed contour of the coastal area.  
d. Mountainous terrain, gorges, ocean promontories, and special wind regions shall be examined for unusual wind conditions.

(B) FIGURE R301.3(4)-CONTINUED  
BASIC WIND SPEEDS FOR 50-YEAR MEAN RECURRENCE INTERVAL

**Part 7 Chapter 4:** (MH -2008-1) Bonding and Insurance Requirements for Manufacturers, Modular Contractors, Developers, Retailers, and Transporters or Installers of Manufactured Homes.

**Rule 4.01: Purpose**

The purpose of this Regulation is to ensure that manufacturers, modular contractors, developers, retailers and transporters or installers of manufactured mobile or modular homes are adequately bonded and insured to provide consumers with a means to recoup losses where a manufacturer, modular contractor, developer, retailer and transporter or installer of manufactured mobile or modular homes has gone out of business or has failed to meet their legal or regulatory responsibility to the consumer.

Source: Miss. Code Ann. §75-49-5; §75-49-11 (Rev.2009)

**Rule 4.02: Authority**

This Regulation is promulgated by the Commissioner of Insurance pursuant to the authority granted to him by House Bill 1388, 2008 Regular Legislative Session, Miss. Code Ann. § 75-49-11 (Rev, 2008), as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101, said regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department.

Source: Miss. Code Ann. §75-49-11 (Rev.2009)

**Rule 4.03: Scope**

This Regulation shall apply to all manufacturers, modular contractors, developers, retailers and transporters or installers of manufactured mobile or modular homes, as defined in Miss. Code Ann. §75-49-3, operating in the State of Mississippi.

Source: Miss. Code Ann. §75-49-5 (Rev.2009)

**Rule 4.04: Definition**

- A. General Liability Insurance- A form of insurance that indemnifies against liability on account of injury to the person or property of another.
- B. Surety Bond- A type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract.

Source: Miss. Code Ann. §75-49-5 (Rev. 2009); §83-19-1 (Rev.2011)



#### **Rule 4.05: Bonding and Insurance Requirements**

On and after August 1, 2009, all new license applications and renewal license applications for a license to act as a manufacturer, modular contractor, distributor, retailer, or transporter or installer of manufactured mobile or modular homes in the State of Mississippi must provide to the State Fire Marshal's Office verification that they have obtained either a general business liability policy and/or surety bond in the following amounts:

- A. Manufacturers or Modular Contractors- provide proof of a surety bond in the amount of \$25,000 per Licensed Facility or, three (3) or more Licensed Facilities, a minimum bond in the amount of \$50,000; and proof of a general liability policy in the amount of \$1,000,000 in coverage;
- B. Developers- provide proof of a surety bond in the amount of \$10,000 per Facility or, for three (3) or more Facilities, a minimum bond in the amount of \$25,000; and proof of a general liability policy in the amount of \$1,000,000 in coverage.
- C. Retailer- provide proof of a surety bond in the amount of 10,000 per Facility or, for three (3) or more Facilities, a minimum bond in the amount of \$25,000; and proof of a general liability policy in the amount of \$1,000,000 in coverage.
- D. Transporter or Installer- may either provide proof of a surety bond in the amount of \$10,000; or proof of a general liability policy in the amount of \$500,000.

A surety bond written pursuant to the requirements set forth in this section shall comply with the form provided in Exhibit "A".

Source: Miss. Code Ann. §75-49-5 (Rev. 2009)

#### **Rule 4.06: Violations, Penalties and Appeals**

Failure of an applicant or licensee to comply with a material provision of this regulation is considered a violation of Miss. Code Ann. §75-49-11. The State Fire Marshal may deny a license application or suspend or revoke a license, or may impose an administrative fine, or both as provided in Miss. Code Ann. §75-49-19, after giving notice of hearing to the applicant or licensee by serving a written statement of charges on the licensee at least twenty (20) days prior to hearing, in the manner provided for in Miss. Code Ann. § 75-49-13, for any violation of this Regulation. Any person aggrieved by any decision of the commissioner with respect to any hearing held before him pursuant to this Regulation may appeal said decision in the manner set forth in Miss. Code Ann. § 75-49-13(9).

Source: Miss. Code Ann. §75-49-11 and §75-49-13 (Rev. 2009)

#### **Rule 4.07: Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §75-49-5 (Rev. 2009)

#### **Rule 4.08: Effective Date**

The Effective Date of this Regulation shall be August 1, 2009.

Issued this the 22<sup>nd</sup> day of June, 2009.

Source: Miss. Code Ann. §25-43-3.101, et seq. (Rev.2010)

**Part 7 Chapter 5:** (MH-5) Uniform Standards Code For Factory-Built Homes Law. (10/16/2009).

#### **Rule 5.01: Promulgation and Purpose**

##### **5.01.1: General**

These Rules and Regulations for Factory-Built Homes are promulgated by the Commissioner of Insurance of the State of Mississippi acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division in accordance with the Uniform Standards Code for Factory-Built Homes Law and the Mississippi Administrative Procedures Act, Miss. Code Ann. § 25-43-1, et seq., as amended, and shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures. This Regulation is being filed as a regulation pursuant to the provisions of House Bill 1435, 2008 Regular Legislative Session as codified in Miss. Code Ann. § 75-49-9(11); Miss. Code Ann. § 75-49-11 (Rev. 2008); and upon agreement between the Mississippi State Fire Marshal's Office, Factory Built Home Division ("Division") and the Department of Housing and Urban Development ("HUD"), which requires the Division to conduct installation inspections of Factory-Built Homes from and after July 1, 2009.

The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and related hazards, and to restrict health hazards in Factory-Built homes by providing standards for construction, heating systems, and by requiring compliance with such standards during construction, marketing, transportation, installation, anchoring and tie-down for Factory-Built homes in the State of Mississippi.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### 5.01.2: Definitions

- A. "Manufactured home" means a structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C. Section 5401 et seq.), and manufactured after June 14, 1976.
- B. "Mobile home" means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufacture Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C. Section 5401 et seq.). It is a structure that is transportable in one or more sections, that, in traveling mode, is eight (8) body feet or more in width and thirty-two (32) feet or more in length or when erected on site, is two hundred and fifty-six (256) or more square feet and that is built on a chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems. A "mobile home" also includes any structure which meets all the requirements and complies with the standards established under this Regulation.
- C. "Modular home" means a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code.
- D. "Factory-built home" means a mobile home, manufactured home and a modular home.
- E. "Commissioner" means the Commissioner of Insurance of the State of Mississippi.
- F. "Chief Deputy State Fire Marshal" means the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this chapter and to maintain, among other duties, the Factory-Built Home Division of the Insurance Department.
- G. "Division" means the Factory-Built Home Division of the State Fire Marshal's Office.
- H. "Person" means any individual, firm, corporation, partnership, association or other type of business entity.
- I. "Retailer" means any person engaged in the retail sale of new or used manufactured, mobile or modular homes to the general public. Upon renewal of a license, a retailer must provide documentation to the Department of Insurance that he or she has at least three (3) available manufactured, mobile or modular homes on sales lot. A retailer shall be responsible for installation requirements for manufactured, mobile or modular housing as set forth in this Regulation.

- J. "Developer" means any person who buys factory-built homes and real estate and then offers to sell or lease to the general public land-home "package deals" consisting of a home with real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available manufactured or modular home sites. A developer shall be responsible for installation requirements for manufactured or modular housing as set forth in Section IV of this Regulation.
- K. "Manufacturer" means any person engaged in the production (construction) of manufactured homes or modular homes.
- L. "Licensee" means any manufacturer, retailer, developer or installer/transporter who obtains a privilege license from the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance. The licensee shall comply with all laws of the State of Mississippi regarding factory-built homes.
- M. "Mississippi Department of Transportation (MDOT)" means the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers or installer/transporters) shall comply with the requirements regarding transportation of factory-built homes under the jurisdiction of MDOT.
- N. "Independent contractor installer or transporter" means any person engaged for hire in the movement of, transportation, or both, or the installation, blocking, anchoring and tie-down of a factory-built home. An "independent contractor installer or transporter" shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition. An independent contractor installer or transporter shall be responsible for installation requirements for manufactured, mobile or modular homes as set forth in Section IV of this Regulation.
- O. "Installation Property Locator Form" means a form submitted by any retailer, developer and installer/transporter who is engaged in the set-up (installation, blocking, anchoring and tie-down) of a factory-built home intended for human habitation to the Division within 72 hours (3 days) of the installation of home at the home site.
- P. "Inspection Decal" means the decal issued by the Division that is to be placed on all new and used factory-built homes at the time of a passed installation inspection by the inspector. The label is to be affixed near the HUD seal at the rear of the home.
- Q. "Truck Decal" means a decal to be issued and placed on both the driver and passenger doors of the transporter vehicle (toter) which transports (moves) the factory-built home. Escort vehicles are not required to have truck decals. The truck decal is to be placed near the DOT number on each door of the vehicle.

- R. “Installation” means completion of work done to stabilize, support, anchor, and close up a manufactured home and to join sections of a multi-section manufactured home, when any such work is governed by the state installation standards that are certified as part of a qualifying installation program.
- S. “Set up” means any assembly or installation of a manufactured home onsite that includes aspects of work that are governed by this chapter.
- T. “General Liability Insurance” means a form of insurance that indemnifies against liability on account of injury to the person or property of another.
- U. “Surety Bond” means a type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract.
- V. “New Manufactured Home” means a manufactured home as defined in § 75-49-3, which has never been the subject of a first sale for use and has never been titled regardless of age.
- W. “Used Manufactured Home” means a manufactured home or mobile home as defined in § 75-49-3 that has been the subject of a first sale for use, whether within this state or elsewhere, and has been titled.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

## **Rule 5.02: Administration**

The Commissioner, acting through the Chief Deputy State Fire Marshal and the Factory- Built Home Division of the Insurance Department, is hereby charged with the administration of this Regulation. He may make and amend, alter or repeal, general rules and regulations of procedure for carrying into effect all provisions of this Regulation, for obtaining statistical data respecting manufactured, mobile and modular homes, and to prescribe means, methods and practices to make effective such provisions and he may make such investigations and inspection as in his judgment are necessary to enforce and administer this pursuant to the authority granted to him by Miss. Code Ann. § 75-49-11.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **5.02.1: Rules and Regulations**

- A. Every manufacturer engaged in the production (construction) of manufactured, mobile, or modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the

bonding and liability insurance requirements as required by Mississippi Department of Insurance Regulation MH-2008-1, and as same may be revised or amended.

- B. Every independent contractor installer or transporter who transports or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility by providing documentation of the bonding and liability insurance requirements as required by Mississippi Department of Insurance Regulation MH-2008-1, and as same may be revised or amended.
- C. Every retailer or developer who sales, transports or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility by providing documentation of the bonding and liability insurance requirements as required by Mississippi Department of Insurance Regulation MH-2008-1, and as same may be revised or amended.
- D. Any person as defined in Miss. Code Ann. 75-49-3(h) that repossesses and sells twelve (12) or more new or used factory-built homes within the fiscal year (July 1 through June 30) to be **relocated (moved) from the existing home site where the home was sited** immediately prior to repossession, shall apply for and obtain a retailer's or developer's license, unless the sale is contracted through a current licensed retailer or developer to insure that the factory-built home is installed and set-up by a licensed installer/transporter in compliance with the Division's rules and regulations. Upon license renewal, licensees are exempt from having three (3) units available for retailers; five (5) home sites for developers and from annual educational seminars. Other requirements for licensees are listed in Sections 203 and 204.

Any person as defined in Miss. Code Ann. § 75-49-3(h) who repossesses and sells new or used factory-built homes **that are not to be relocated or moved from the existing home-site** prior to repossession within the State of Mississippi, shall be exempt from obtaining a retailer's or developer's license.

- E. The Commissioner, upon application, may issue a temporary license to persons or companies who are non-residents of this state and who are otherwise licensed transporters or installers in other states. Such temporary license shall remain in force for a period not to exceed thirty (30) days, unless extended for an additional period of sixty (60) days by the Commissioner or until a contract to transport or install entered into during the period of the temporary license has been completed. Within five (5) days of any applicant delivery or beginning work as a transporter or installer under this section, the employer or person contracting with such person shall provide a copy of their installer license from out-of-state, proof of insurance and certify to the Commissioner such application without being deemed in violation of this Regulation.

- F. If a factory-built home is new, the applicant shall certify in the application to the Commissioner that the applicant will comply with the Construction Standards set forth under Rules and Regulations provided in Miss. Code Ann. § 75-49-5, and that the applicant has obtained a current and valid tax identification number.
- G. Applications shall be obtained from and submitted to the Commissioner on forms prescribed by the Commissioner.
- H. Pursuant to Miss. Code Ann. § 75-49-9, the original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi and One Hundred Fifty Dollars (\$150.00) per retailer location and developer location within the State of Mississippi. The licensing fee for a factory-built home and/or modular independent contractor transporter or installer is One Hundred Dollars (\$100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars (\$400.00) per floor plan; however, this fee shall not apply to any modular home plan reviews completed before July 1, 1998. Except as otherwise provided in subsection (M) of this section, the license shall be valid for the current license period (July 1 through June 30) unless suspended or revoked.
- I. Every manufacturer, transporter or installer or retailer and developer who first sells, manufacturers, transports or installs a new or used factory-built home in this state, before such first construction, sale, transportation or installation, shall apply for and obtain a license from the Commissioner. The original license fee, registration fee, annual renewals, and any other required fee shall be paid to the Commissioner in such a manner as provided by the Commissioner. All funds received by the Commissioner shall be deposited in the State Treasury to the credit of the Department of Insurance.
- J. Every manufacturer of factory-built homes in the State shall pay a monitoring inspection fee to the Secretary of Housing and Urban Development, or the Secretary's Agent, for each manufactured home produced in the State by the manufacturer. The fee shall be in an amount established by the Secretary pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401, et seq.) and as amended by the Manufactured Housing Improvement Act of 2000. The portion of the fee which is returned to the State shall be deposited by the Commissioner in the State Treasury to the credit of the Department of Insurance.
- K. The Commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the Commissioner.

L. The Commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full time managing employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the responsible, full time managing officers or members of the executive staff of the applicant's firm. Every application by an individual for a license to manufacture, sell, transport or install factory-built homes, which include mobile homes, new or used manufactured homes and modular homes, shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of a partner or an officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.

M. Pursuant to Miss. Code Ann. § 75-49-9(8), which states:

“The commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full-time managing employees...”

Every independent contractor installer or transporter who transports or installs new or used factory-built homes within the State of Mississippi shall have passed a written examination (passing score of 70 or above). The examination shall consist of questions determined by the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to factory-built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie-down) of factory-built homes in this state. The examination shall be provided by the Commissioner or by a testing service acting on behalf of the Commissioner. The applicant is responsible for registering with the testing service to schedule the examination and is responsible for all fees. The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all procedures established with regard to conduct at the examination may be grounds for denial of application.

Prior to the issuance of a privilege license, the applicant shall verify in writing and/or submit a copy of training certificate, that he has attended an approved eight (8) hour installation and set up training class pursuant to the Manufactured Housing Improvement Act of 2000.

N. The holder of any valid license issued by the Commissioner at the time Miss. Code Ann. § 75-49-9(8) became effective shall be automatically issued an equivalent license in the



same category for which his previous license was issued if the licensee is in compliance with this chapter.

- O. Pursuant to Miss. Code Ann. § 75-49-9(h), every license shall be issued annually and shall expire on June 30 following the date upon which it was issued. License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application. The Commissioner shall on or before April 30 of each year, forward a "Notice of Renewal" by regular United States mail to each licensee at his or its last known mailing address.

After depositing the "Notice of Renewal" in the United States mail, the Commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. The failure of the licensee to obtain a renewal license on or before June 30 of the ensuing license period shall act as an automatic suspension of the license unless the Commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension, any practice by the licensee under the color of such license shall be deemed a violation.

All applicants and licensees shall comply with the bonding and/or general liability requirements as established by Miss. Code Ann. § 75-49-11 (Rev. 2008), and Mississippi Department of Insurance Regulation MH-2008-1, and as same may be revised and amended.

Annual renewals of a retailer's license shall require, as a condition precedent, that the retailer verify by oath or affirmation that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the Commissioner and that the lot has three (3) or more new or used factory-built homes located thereon for retail sale as a residential dwelling or for any other use at the time of application. Annual renewals of a developer's license shall require, as a condition precedent, that the developer verify and submit a copy of legal documentation indicating that the developer has five (5) or more locations for a factory-built home/land package.

With annual renewal applications, it shall be the responsibility of each retailer, developer and installer/transporter to request in writing the number of truck decals needed for their transporter vehicles (toter). A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.

- P. Any company/individual who is found to be operating without an appropriate privilege license in the State of Mississippi shall:
1. Show good cause in writing to the Factory-Built Home Division of the State Fire Marshal's Office why this violation occurred and the approximate number of homes sold prior to obtaining a privilege license.

2. Request a retailer's and/or developer's privilege license application. This application is to be returned, signed and notarized with a check for \$150.00 payable to the Office of the State Fire Marshal.
  3. Set an inspection date with the State Fire Marshal's Office which is required to verify compliance with this chapter prior to issuance of license.
  4. Be subject to penalties as set forth in Miss. Code Ann. §75-49-19.
- Q. All inspectors conducting an inspection pursuant to Regulation MH-2009-1, as amended, shall permanently attach a serial numbered inspection decal near the HUD label on new or used factory-built homes built after June 1976, and opposite the hitch-end of mobile homes built prior to or on June 1976, an inspection decal to each manufactured or mobile home accepted as having been installed in accordance with the manufacturer's specification, the authority having jurisdiction in coded areas or in the absence of an installation manual, the State of Mississippi's rules and regulations.

The State Fire Marshal's Office will supply inspection decals to each inspector.

- R. No retailer, developer, transporter or installer shall deliver or cause to be delivered any factory-built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the Commissioner of Insurance. A period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of homes. This requirement is provided for in Miss. Code Ann. 75-4-9(2).

To ensure compliance with Section 75-4-9(2), it shall be the responsibility of each manufacturer, retailer, developer and installer/transporter to submit a Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for all factory-built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy-two (72) hours (3 days) of the installation of home during regular business hours. The Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required according to the Division. The report must include:

1. The retailer/developer's name, license number, address, telephone number, and fax number;
2. The installer/transporter's name, address, telephone number, and fax number;
3. The homeowner's name, address, telephone number, county where home is located, date and time of installation;

4. The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;
5. Directions to the home; and,
6. A map showing directions to the home-site from a known starting point.

Nothing contained herein shall restrict or limit the customer's option of independently contracting with a properly licensed transporter or installer for set-up and installation rather than purchasing transportation and installation services from the retailer or developer.

- S. It shall be the responsibility of each installer/transporter that transports or installs a home to submit a report to the Factory-Built Home Division of the State Fire Marshal's Office for all factory-built, manufactured, mobile or modular homes delivered or installed within seventy-two (72) hours of installation. **This report is required for new and used homes that are transported or installed by an installer/transporter for someone other than a licensed retailer or developer.** The report must include:

1. The retailer/developer's name, license number, address, telephone number, and fax number;
2. The installer/transporter's name, address, telephone number, and fax number;
3. The homeowner's name, address, telephone number, county where home is located, date and time of installation;
4. The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;
5. Directions to the home; and
6. A map showing directions to the home-site from a known starting point.

The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. The report shall be submitted to the State Fire Marshal's Office by fax or mail within seventy-two (72) hours of delivery.

- T. All installers shall comply with the Mississippi Manufactured Home Installation Program as set forth in Mississippi Department of Insurance Regulation MH-2009-1, as same may be revised or amended.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

### **5.02.2: License Exceptions**

Pursuant to Miss. Code Ann. §75-49-5, the following entities or individuals are not required to have a privilege license:

- A. An individual installing the manufactured home is the owner thereof, or the manufactured home is owned by a member of the individual's family, and the home is not intended for sale, exchange, lease or rent;
- B. An individual performing maintenance, repairs, or corrections to an installation for the purpose of customer service on behalf of manufacturers, retailers or developers;
- C. A transporter that conducts interstate transport through the State of Mississippi for manufacturers, retailers or developers and does not install at home sites intended for human habitation.

Source: Miss. Code Ann. § 75-49-1, *et seq.* (Rev. 2009)

### **5.02.3: Manufacturers**

- A. All manufacturer applicants shall certify in the application that they will fully comply with 24 CFR 3280 and CFR 3282 of the National Manufactured Home Construction Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, as same may be revised or amended; and as set forth pursuant to Miss. Code Ann. §§ 75-49-5 and 75-49-11, as amended.
- B. All manufacturers of modular homes shall certify in the application that they will fully comply with the Regulation Number ME-2 for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes.

Source: Miss. Code Ann. § 75-49-1, *et seq.* (Rev. 2009)

### **5.02.4: Retailers**

In order to protect the health, safety and welfare of the public of this state, each applicant for a retailer's license shall:

- A. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of factory-built manufactured home construction and repair;
- B. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which factory-built homes are anchored and blocked in accordance with rules, regulations and procedures promulgated by the Commissioner;

- C. Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of factory-built homes and storage of parts and accessories and has at least one operable service truck. If, however, the retailer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified thirty (30) days in advance of its cancellation.
- D. Demonstrate to the Commissioner that he has adequate space to display his factory-built homes at each sales lot and that he has or shall maintain a permanent sales office located at each of those sales lots with running water and sewer facilities for public comfort and convenience and to comply with the county health department regulations and other applicable safety standards for a permanent sales site in the county or municipality in which they are located. Nothing in this Regulation shall prohibit a licensed Mississippi permanent retailer sales center from conducting a temporary promotional activity to retail consumers at a location other than its licensed permanent retailer location center if:
1. The activity does not exceed seventeen (17) consecutive days in duration and is not repeated at that location within the next six (6) months;
  2. The activity is within the county in which the retailer sales center has a permanent license or within fifty (50) miles radius of the location of the permanent licensed Mississippi sales center location, whichever is greater;
  3. The temporary promotional site has:
    - a. running water and sewer facilities for public comfort and convenience and to comply with the health and safety standards as well as other local ordinance requirements for a temporary sales site in the county or municipality in which the site is located;
    - b. if running water and sewer facilities are not fully accessible to the public at the site during the operation of the promotional event, then other arrangements must be made to ensure compliance to Section D (3)(a);
  4. The temporary promotional site has a sign at least four (4) feet by eight (8) feet in size with lettering at least twelve (12) inches high advising the public that this is a temporary location and designating the address of the permanent licensed sales center retailer location, with the sign to be prominently located on the temporary promotional site for viewing by the public. This sign cannot be placed on a public right-of-way, and it must be placed in the display area where the event is held;
  5. There is adequate space to display the factory-built homes at the temporary promotional site; and,

6. A license must be is granted by the Commissioner for each temporary promotional site where employees or agents of the retailer meet the public regardless of whether or not sales will be made on site;
  7. The licensed Mississippi retailer shall provide a thirty (30) day advance notice to the Factory-Built Home Division of the State Fire Marshal's Office for the purpose of license application, all counties or municipalities, permits and site inspection. The license will only be good for the seventeen (17) day time frame requested.
  8. The licensed Mississippi retailer shall submit its application for a license to the Factory-Built Home Division of the State Fire Marshal's Office at least thirty (30) days prior to the proposed effective date of the temporary promotional event. The failure to submit the license application at least thirty (30) days in advance can serve as a basis for denial of a license. Any license issued will only be valid for the seventeen (17) day time-frame or any shorter period of time requested. Any license issued will only be effective for that period of time [actual days] in which sales are actively solicited or the period of time in which the homes are promoted by the retailer.
- E. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and as amended by the Manufactured Housing Improvement Act of 2000, and the rules and regulations promulgated by the Department of Insurance for the State of Mississippi and by the Department of Housing and Urban Development as they pertain to the responsibilities of a retailer to properly safeguard the public interest in that no retailer or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the State of Mississippi any factory-built home unless the developer or retailer, acting as a reasonable developer or retailer, does not know that the factory-built home does not conform to applicable standards. This prohibition of sale applies to any affected manufactured homes until the completion of the entire sales transaction. A sales transaction with a purchaser is considered completed when all the goods and service that the retailer has agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale will be at the time the retailer completes setup of the factory-built home if the retailer has agreed to provide setup, if the retailer has not agreed to transport or setup the factory-built home, this prohibition of sale does not apply; and ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory-Built Home Division. (Display current training certificates of all sales staff at the retailer's current business location.) The employer of sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff and their date of employment.

With annual renewal applications, all copies of approved certificates of training shall be submitted by the retailer for their sales staff to the Factory-Built Home Division and affirmation in writing, as required by the Division, as having three (3) factory-built homes on retail lot.

With annual renewal applications, it shall be the responsibility of each retailer to request in writing the number of truck decals needed for their transporter (toter) vehicles. A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.

F. To ensure compliance with Miss. Code Ann. § 75-4-9(2), it shall be the responsibility of each retailer to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for all factory-built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy-two (72) hours of installation. The Installation Property Locator form is to enable the Factory-Built Home Division to conduct inspections as required according to the Division. The form must include:

1. The retailer/developer's name, license number, address, telephone number, and fax number;
2. The installer/transporter's name, address, telephone number, and fax number;
3. The homeowner's name, address, telephone number, county where home is located, date and time of installation;
4. The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;
5. Directions to the home; and
6. A map showing directions to the home-site from a known starting point.

The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. The report shall be submitted to the State Fire Marshal's Office by fax or mail within seventy-two (72) hours of delivery.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

#### **5.02.5: Developers**

A. In order to protect the health, safety and welfare of the public of this state, each applicant for a developer's license shall:

- B. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of factory-built home construction and repair;
- C. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which factory-built homes are anchored and blocked in accordance with rules, regulations and procedures promulgated by the Commissioner;
- D. Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of factory-built homes and storage of parts and accessories and has at least one operable service truck. If, however, the developer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified 30 days in advance of its cancellation.
- E. Demonstrate to the Commissioner that he has an adequate space to display his factory-built homes at each development site and that he has or shall maintain a permanent sales/business office within the State of Mississippi with running water and sewer facilities for public comfort and convenience and to comply with the county health department regulations and other applicable safety standards for a permanent structure in the county or municipality in which they are located.
- F. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and as amended by the Manufactured Housing Improvement Act of 2000, and the rules and regulations promulgated by the Department of Housing and Urban Development as they pertain to the responsibilities of a developer to properly safeguard the public interest in that no distributor, or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the State of Mississippi any factory-built home unless the distributor or retailer, acting as a reasonable distributor or developer, does not know that the factory-built home does not conform to applicable standards. This prohibition of sale applies to any affected factory-built homes until the completion of the entire sales transaction. A sales transaction with a purchaser is considered completed when all the goods and service that the developer has agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale will be at the time the developer completes setup of the factory-built home if the developer has agreed to provide setup, if the developer has not agreed to transport or setup the factory-built home, this prohibition of sale does not apply; and ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training, and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory-Built Home Division. (Display current training certificates of all sales staff at the developer's current business location.)



1. With annual renewal applications, all copies of approved certificates of training shall be submitted by the developer for their sales staff to the Factory-Built Home Division and affirmation in writing, as required by the Division, as having five (5) factory-built home sites available.
  2. With annual renewal applications, it shall be the responsibility of each developer to request in writing the number of truck decals needed for their transporter (toter) vehicles. A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.
- G. To ensure compliance with Miss. Code Ann. § 75-49-9(2), it shall be the responsibility of each developer to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for all factory-built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy-two (72) hours of installation. The Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required according to the Division. The form must include:
1. The retailer/developer's name, license number, address, telephone number, and fax number;
  2. The installer/transporter's name, address, telephone number, and fax number;
  3. The homeowner's name, address, telephone number, county where home is located, date and time of installation;
  4. The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;
  5. Directions to the home; and
  6. A map showing directions to the home-site from a known starting point.

The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. The report shall be submitted to the State Fire Marshal's Office by fax or mail within seventy-two (72) hours of delivery.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

#### **5.02.6: Independent Contractor Installer or Transporter**

In order to protect the Health, Safety and Welfare of the public of this State, each applicant for an independent contractor installer or transporter license shall:

- A. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of factory-built home construction and repair;
- B. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which factory-built homes are anchored and blocked, in accordance with rules, regulations and procedures promulgated by the Commissioner and the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended and the Manufactured Housing Improvement Act of 2000;
- C. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and the Manufactured Housing Improvement Act of 2000, and the rules and regulations promulgated by the Department of Housing and Urban Development as they pertain to the responsibilities of installers or transporters to properly safeguard the public interest;
- D. Demonstrate to the Commissioner that he is in full compliance with the Mississippi Department of Transportation (MDOT) and any local requirements pertaining to the transportation of factory-built homes;
- E. Demonstrate to the Commissioner that he has submitted a copy of his approved eight (8) hour installation and set up training certificate to the Factory-Built Home Division pursuant to the Manufactured Housing Improvement Act of 2000.
- F. Demonstrate to the Commissioner that he has passed a written examination (passing score of 70 or above) provided by the Commissioner or by a testing service acting on behalf of the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to factory-built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie-down) of factory-built homes in this state.
- G. Demonstrate to the Commissioner that he and all employees engaged in installation/set-up will attend eight (8) hours of training per licensing year (July 1 to June 30) as provided by, approved by, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office. The Commissioner of Insurance or the State Chief Deputy Fire Marshal may at his discretion consent to reciprocity for training of licensees with other states that has established training programs that meet or exceed the National Manufactured Home Construction and Safety Standards Act or State of Mississippi requirements of this chapter.
- H. Installer/transporters who conduct secondary moves of factory-built homes shall have a written contract with the consumer and the installer/transporter will maintain a copy of the said contract on file for a period of not less than twelve (12) months. These copies

shall be available for random inspections by the Factory-Built Home Division pursuant to Miss. Code Ann. § 75-49-5.

- I. All installer/transporters who install new or used factory-built homes or modular homes shall be required to display a license decal on the driver's and passenger's doors of all trucks (toters). The original decals will be issued by the State Fire Marshal's Office/Factory-Built Home Division, based upon the number requested by the licensee at time of renewal. Any additional decals required by the licensee will have to be purchased from the Division at the cost of production of the decals. These decals shall denote the current date of the licensing period. A decal must be placed on the driver's door and the passenger's door of the vehicle in plain view to verify current license.
- J. All independent contract installers retained by homeowners, retailers, developers or manufacturers shall be subject to the fines as set forth in this chapter for the improper installation of mobile, factory-built or modular homes, upon the receipt of verifiable information from any source
- K. To ensure compliance with Miss. Code Ann. §75-4-9(2), it shall be the responsibility of each installer/transporter to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for all factory-built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy-two (72) hours of installation. The Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required according to the Division. The report must include:
  - 1. The retailer/developer's name, license number, address, telephone number, and fax number;
  - 2. The installer/transporter's name, address, telephone number, and fax number;
  - 3. The homeowner's name, address, telephone number, county where home is located, date and time of installation;
  - 4. The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;
  - 5. Directions to the home; and
  - 6. A map showing directions to the home-site from a known starting point.

The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. The report shall be submitted to the State Fire Marshal's Office by fax or mail within seventy-two (72) hours of delivery.

- L. With annual renewal application, copies of approved certificates of training and contracts shall be submitted by the installer/transporter to the Factory-Built Home Division. It shall be the responsibility of each installer/transporter to request in writing the number of truck decals needed for their transporter vehicles (toters). A decal is to be placed on the driver and passenger doors of each transporter vehicle. Escort vehicles are not required to have decals.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 5.03: Inspection Procedures**

- A. The Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each manufacturing location to assist and insure that factory-built homes are being constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 et seq.), the Manufactured Housing Improvement Act of 2000 as amended, as well as the governing federal regulations pertaining to manufactured housing construction.
- B. In the interest of public safety, deputy state fire marshals, who are certified law enforcement officers, are duly authorized to stop and conduct inspections of installer/transporters that are transporting factory-built homes to verify compliance with Miss. Code Ann. §§ 75-49-9 and 75-49-19 and this Regulation.
- C. The Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each retailer and developer location to insure that factory-built homes offered for sale comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as Amended, (42 U.S.C.S. 5401, et seq.), and the Manufactured Housing Improvement Act of 2000, pertinent federal regulations, as well as this Regulation.
- D. Results of the inspection may be made available to manufacturers, retailers or developers upon request. When serious violations are found on HUD certified units, the Factory-Built Home Division of the State Fire Marshal's Office shall immediately attach a non-compliance identification tag to the unit in question.
- E. It shall be a violation of this Regulation for any factory-built home to be sold or offered for sale which has a non-compliance identification tag attached. The wording on such tag shall be as follows:

"This unit, having been found to be in **NON-COMPLIANCE** with the Uniform Standards Code for Factory-Built Homes Law and having been so identified, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Identification Tag from this unit will be prosecuted as set forth in this Act, and shall be subject to revocation of his license."

- F. A non compliance identification tag attached to a unit may be removed only by the Factory-Built Home Division of the State Fire Marshal's Office. Such tag shall be completed as required thereon.
- G. When the State Fire Marshal has reasonable grounds to believe that a unit has been constructed in non-compliance with these standards; he may require, at the manufacturers' expense that the walls, floors, decking or other panels be removed for the purpose of inspection.
- H. Units having been identified as being in non-compliance with these Rules and Regulations and having a non-compliance tag attached may be transported and relocated only after notice has been given to the Factory-Built Home Division of the State Fire Marshal's Office. Such notice will set forth the purpose for moving such unit, to whom the unit is to be delivered along with complete mailing address and telephone number, serial number, HUD label number and any other information as may be requested.
- I. When such violation(s) have been corrected, the unit in question shall be re inspected by the Factory-Built Home Division of the State Fire Marshal's Office and if found in compliance with the National Manufactured Home Construction and Safety Standards Act, the Manufactured Housing Improvement Act of 2000 and this Regulation, the inspector shall remove the non-compliance identification tag. The unit can then be sold or offered for sale.
- J. All factory-built homes, which include new or used manufactured homes, mobile or modular homes, delivered by retailers, developers or independent contractor installers or transporters to any site where such home is to be used for human habitation shall be anchored and blocked in accordance with Mississippi Manufactured Home Installation Program, as administered by the Factory-Built Home Division of the State Fire Marshal's Office; this Regulation; and Miss. Code Ann. § 75-49-7.
- K. The Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect site locations where factory-built homes, which include new and used manufactured homes and modular or mobile homes, have been delivered by retailers, developers or independent contractor installers or transporters when such home is to be used for human habitation to insure that the home is tied down, anchored and blocked in accordance with Mississippi Manufactured Home Installation Program, as administered by the Factory-Built Home Division of the State Fire Marshal's Office; this Regulation; and Miss. Code Ann. § 75-49-7.
- L. In cases of complaints of improper installation and set-up of new or used manufactured, modular or mobile homes lodged against retailers, developers, or installers/transporters, the Factory-Built Home Division of the State Fire Marshal's Office will conduct the necessary inspections and investigations of problems reported during the first twelve (12) months from the date the home is sited at the location intended for human habitation and

the date on the installation decal affixed to the factory-built home by the installer/transporter to be in full compliance with Miss. Code Ann. § 75-49-7(2).

- M. Manufactured Home Plants located in the State of Mississippi, Manufactured Home Retail Sales Lots, developers, and Independent Contractor Installers or Transporters business locations and equipment shall be subject to inspection by the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly Authorized Representative as may be required to insure Compliance with Miss. Code Ann. § 75-49-11, as amended, all applicable federal statutes and regulations as well as this Regulation.
- N. The Factory-Built Home Division of the State Fire Marshal's Office when scheduling a site inspection regarding a consumer complaint the manufacturer, retailer, developer, and installer/transporter licensee shall be present for each such inspection. If the licensee is unable to attend the site inspection, his duly authorized representative shall be a person employed by the licensee with authority make decisions regarding corrective action and remedial plans if required.
- O. When any provision of Miss. Code Ann. §§ 75-49-1 through 75-49-21, as amended, is violated, the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly Authorized Representative shall file appropriate action as set forth in Miss. Code Ann. § 75-49-19. The penalties include:
1. Any person who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each such violation. Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each factory-built home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars (1,000,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.
  2. An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder in a manner which threatens the health and safety of any purchaser of a factory-built home is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.
  3. This shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such factory-built home is not in conformity with applicable factory-built construction and safety standards, or to any person who, before to such first purchase, holds a certificate issued by the manufacturer or importer of such factory-built home to the effect that suchfactory-built home

conforms to all applicable factory-built home construction and safety standards, unless such person knows that such factory-built home does not so conform.

4. An individual, or director, officer or agent of a corporation, who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such a license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to the manufacture or, selling or distribution of, safe anchoring and blocking of a factory-built home when intended to be used for human habitation is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

Whenever the State Chief Deputy Fire Marshal or State Deputy Fire Marshal has probable cause to believe that any person knowingly and willingly violates any of the provisions of this chapter or any rule or regulation made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than \$1,000.00 for each such violation Miss.Code Ann. § 75-49-19(1)

Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each factory-built home or with respect to each failure or refusal to allow or perform an act require thereby, except that the maximum civil penalty may not exceed one million dollars (\$1,000,000.00) for any related series of violations occurring within one year of the date of the first violation.

5. The schedule for civil penalties is listed below:

- a. First Offense \$250.00 per violation;
- b. Second Offense within twelve (12) months of the first offense \$500.00 per violation;
- c. Third Offense within twelve (12) months of the first offense \$1000.00 per violation.
- d. In lieu of the civil penalty and making the required corrections, the licensee has the option to request an administrative hearing.

- P. An administrative review of all privilege licenses issued pursuant to Miss. Code Ann. § 75-49-9(7), shall be conducted upon receipt of any verifiable complaint(s) of any nature that exceed sixty (60) days in length without resolution, which may lead to a possible licensure hearing (hereafter known as the Dispute Resolution Program) pursuant to Miss. Code Ann. § 75-49-13, as amended. The sixty (60) day period shall not serve as a mandatory waiting period, and in the appropriate case the Commissioner may, at his

discretion, schedule a licensure hearing prior to the expiration of sixty (60) days. The procedures set forth in Miss. Code Ann. § 75-49-13 for hearings and appeals shall govern the Dispute Resolution Program.

Q. The Dispute Resolution Program shall also address the following:

1. The timely resolution of disputes among manufacturers, retailers, or installers regarding responsibility for correction and repair of defects in manufactured homes;
2. The issuance of appropriate orders for correction and repair of defects in such homes; and,
3. Any dispute regarding defects in the manufactured home that are reported within one (1) year after the date of first installation.

R. Nothing in this Regulation shall prohibit informal disposition by settlement or consent order, i.e., an order based upon an agreement in writing, between the parties in lieu of an administrative hearing.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

#### **Rule 5.04** Minimum Standards For Blocking, Anchors, And Tie Downs

Any local government (county or municipality) which has adopted the latest edition and Appendices of the Southern Building Code published by the Southern Building Code Congress International or the International Residential Code for One and Two-Family Dwellings as published by the International Code Council (ICC) or the board of supervisors of any county who has adopted Miss. Code Ann. § 75-49-21, will be regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance with these Rules and Regulations of the "Uniform Standards Code for Factory-Built Homes Law", provided said codes meet or exceed federal requirements, and as such will assume responsibility for local code enforcement for the installation, blocking, anchoring and tie-downs, and inspection procedures to ensure compliance with the National Manufactured Home Construction and Safety Standards Act, of factory-built homes, which are defined as manufactured, mobile or modular homes within their respected jurisdictions. Additionally, homes that are installed and set-up in accordance with federal guidelines required to meet the financing criteria of a federal agency are regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance. However, the Factory-Built Home Division of the State Fire Marshal's Office is the State Administrative Agency for the Department of Housing and Urban Development and installation and set-up compliance shall be monitored pursuant to the Division's "Mississippi Manufactured Home Installation Program" and Mississippi Department of Insurance Emergency Regulation MH-2009-1.



Minimum standards for blocking, anchors and tie-downs for factory-built, manufactured, mobile or modular homes in non-coded areas of the state, when delivered to a home site location in the State of Mississippi, where they are intended to be used for human habitation shall be installed in accordance with the Mississippi Manufactured Home Installation Program; Mississippi Department of Insurance Regulation MH-2009-1; and any and all applicable state and federal Rules and Regulations, so as to prevent loss of life and property from wind storms and related hazards. A period of thirty (30) days from the date of delivery is allowed for blocking and anchoring of the home.

"Non-coded area" means any local jurisdiction (county or municipality) who have not adopted the latest edition and Appendices of the International Building Code published by the International Code Council or Southern Building Code published by the Southern Building Code Congress International or the board of supervisors of any county who has not adopted Miss. Code Ann. § 75-49-21, or other recognized building codes or portion thereof.

"Human habitation" shall mean any manufactured, mobile or modular home which is wholly or partly used or intended to be used for living or sleeping by human occupants.

- A. All new and used factory-built homes shall be installed in compliance with the set-up/installation instructions manual, in accordance with Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.306, Windstorm protection support and anchoring systems as follows: (a) Provisions for support and anchoring systems. Each factory-built home shall have provisions for support/anchoring or foundation systems that, when properly designed and installed, will resist overturning and lateral movement (sliding) of the factory-built home as imposed by the respective design loads. For Wind Zone I, the design wind loads to be used for calculating resistance to overturning and lateral movement shall be the simultaneous application of the wind loads indicated in Section 3280.305 (c)(1)(i), increased by a factor of 1.5 [D 7 76]. The 1.5 factor of safety for Wind Zone I is also applied simultaneously to both the vertical building projection, as horizontal wind load, and across the surface of the full roof structure, as uplift loading. For Wind Zones II and III, the resistance shall be determined by the simultaneous application of the horizontal drag and uplift wind loads, in accordance with Section 3280.305 (c)(1)(ii). The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members. No additional shape or location factors need to be applied in the design of the tie down system. The dead load of the structure may be used to resist these wind loading effects in all Wind Zones.
- B. Used factory-built homes not provided with such set-up/installation instruction manuals, and not provided with instructions shall comply with the specifications listed under Section V., Mississippi Manufactured Home Installation Program Standards, below.
- C. Manufactured or mobile homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone

II area, unless approved by the county or municipality having jurisdiction within the Wind Zone II area. The Wind Zone II area for homes manufactured after July 13, 1994, consists of the following counties: Hancock, Harrison, Jackson, George, Pearl River, and Stone.

- D. For used manufactured or mobile homes that were built prior to July 13, 1994, the following shall apply, If the manufactured home or mobile was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post July 13, 1994, counties that are listed in No. 3 above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the county or municipality having jurisdiction within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre July 13, 1994 Hurricane Zone house, then the requirements of such county or municipality shall govern.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

**Rule 5.05:** Minimum Standards for Blocking, Anchors, and Tie Downs

Any local government (county or municipality) which has adopted the latest edition and Appendices of the Southern Building Code published by the Southern Building Code Congress International or the International Residential Code for One and Two-Family Dwellings as published by the International Code Council (ICC) or the board of supervisors of any county who has adopted Miss. Code Ann. § 75-49-21, will be regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance with these Rules and Regulations of the "Uniform Standards Code for Factory-Built Homes Law", provided said codes meet or exceed federal requirements, and as such will assume responsibility for local code enforcement for the installation, blocking, anchoring and tie-downs, and inspection procedures to ensure compliance with the National Manufactured Home Construction and Safety Standards Act, of factory-built homes, which are defined as manufactured, mobile or modular homes within their respected jurisdictions. Additionally, homes that are installed and set-up in accordance with federal guidelines required to meet the financing criteria of a federal agency are regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance. However, the Factory-Built Home Division of the State Fire Marshal's Office is the State Administrative Agency for the Department of Housing and Urban Development and installation and set-up compliance shall be monitored pursuant to the Division's "Mississippi Manufactured Home Installation Program" and Mississippi Department of Insurance Emergency Regulation MH-2009-1.

Minimum standards for blocking, anchors and tie-downs for factory-built, manufactured, mobile or modular homes in non-coded areas of the state, when delivered to a home site location in the State of Mississippi, where they are intended to be used for human habitation shall be installed in accordance with the Mississippi Manufactured Home Installation Program; Mississippi

Department of Insurance Regulation MH-2009-1; and any and all applicable state and federal Rules and Regulations, so as to prevent loss of life and property from wind storms and related hazards. A period of thirty (30) days from the date of delivery is allowed for blocking and anchoring of the home.

"Non-coded area" means any local jurisdiction (county or municipality) who have not adopted the latest edition and Appendices of the International Building Code published by the International Code Council or Southern Building Code published by the Southern Building Code Congress International or the board of supervisors of any county who has not adopted Miss. Code Ann. § 75-49-21, or other recognized building codes or portion thereof.

"Human habitation" shall mean any manufactured, mobile or modular home which is wholly or partly used or intended to be used for living or sleeping by human occupants.

- A. All new and used factory-built homes shall be installed in compliance with the set-up/installation instructions manual, in accordance with Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.306, Windstorm protection support and anchoring systems as follows: (a) Provisions for support and anchoring systems. Each factory-built home shall have provisions for support/anchoring or foundation systems that, when properly designed and installed, will resist overturning and lateral movement (sliding) of the factory-built home as imposed by the respective design loads. For Wind Zone I, the design wind loads to be used for calculating resistance to overturning and lateral movement shall be the simultaneous application of the wind loads indicated in Section 3280.305 (c)(1)(i), increased by a factor of 1.5 [D 7 76]. The 1.5 factor of safety for Wind Zone I is also applied simultaneously to both the vertical building projection, as horizontal wind load, and across the surface of the full roof structure, as uplift loading. For Wind Zones II and III, the resistance shall be determined by the simultaneous application of the horizontal drag and uplift wind loads, in accordance with Section 3280.305 (c)(1)(ii). The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members. No additional shape or location factors need to be applied in the design of the tie down system. The dead load of the structure may be used to resist these wind loading effects in all Wind Zones.
- B. Used factory-built homes not provided with such set-up/installation instruction manuals, and not provided with instructions shall comply with the specifications listed under Section V., Mississippi Manufactured Home Installation Program Standards, below.
- C. Manufactured or mobile homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the county or municipality having jurisdiction within the Wind Zone II area. The Wind Zone II area for homes manufactured after July 13, 1994, consists of the following counties: Hancock, Harrison, Jackson, George, Pearl River, and Stone.

- D. For used manufactured or mobile homes that were built prior to July 13, 1994, the following shall apply, If the manufactured home or mobile was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post July 13, 1994, counties that are listed in No. 3 above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the county or municipality having jurisdiction within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre July 13, 1994 Hurricane Zone house, then the requirements of such county or municipality shall govern.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

**Rule 5.06:** Installation Standards for New Manufactured Homes

The Mississippi Manufactured Home Installation Inspection Program (“Installation Program”) is established in Mississippi Department of Insurance Regulation MH-2009-1, the same as may be revised and amended, and sets forth the requirements by which manufacturers, retailers, distributors, installers, and installation inspectors will be held accountable for assuring the appropriate installation of new within the State of Mississippi. The Mississippi Manufactured Home Installation Program Standards (Installation Standard”) are the standards and requirements as set forth by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 ISCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, and as same may be revised and amended, and are more fully set forth in Exhibit “A” of this Regulation, which is hereby incorporated by reference.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 5.07:** Installation Standards for Used Manufactured Homes

The Mississippi Manufactured Home Installation Inspection Program (“Installation Program”) is established in Mississippi Department of Insurance Regulation MH-2009-1, the same as may be revised and amended, and sets forth the requirements by which manufacturers, retailers, distributors, installers, and installation inspectors will be held accountable for assuring the appropriate installation of used manufactured homes within the State of Mississippi.

A. Used Manufactured Home Tie-Down Standards

1. Site Preparation

a. Planning and Site Preparation

Retailers, developers and/or installer/transporters are responsible for site preparation, however the manufacturer, retailer or installer may agree in writing to allow the consumer to conduct the site preparation for the manufactured home installation. However, before the installer may begin installation of the manufactured home, the site preparation must meet the requirements set forth in this Regulation. If there is conflict between the retailer, developer or installer and the consumer regarding the site preparation, the State Fire Marshal's Office may be required to mediate. Any fee charged by the State Fire Marshal's Office due to said mediation will be paid by the consumer.

b. Fire Separation

Separation from adjacent structures and lot lines is based on the fire resistance rating of the home pursuant to **NFPA 501A Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities**, Section 4 2.1, entitled "Fire Safety Separation Requirements," Sub section 4.2.1.1 as follows:

"Any portion of a manufactured home, excluding the tongue, shall not be located closer than 10 ft (3 m) side to side, 8 ft (2.4 m) end to side, or 6 ft (1.8 m) end to end horizontally from any other manufactured home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one hour fire rating or the structures are separated by a one hour fire rated barrier." Most manufactured, factory-built, mobile or modular homes may be classified as "non-rated" construction. However, manufacturers may, in some instances, construct one hour rated walls. Information regarding the fire rating of the unit may be obtained from the manufacturer or third party inspection agency identified on the data plate.

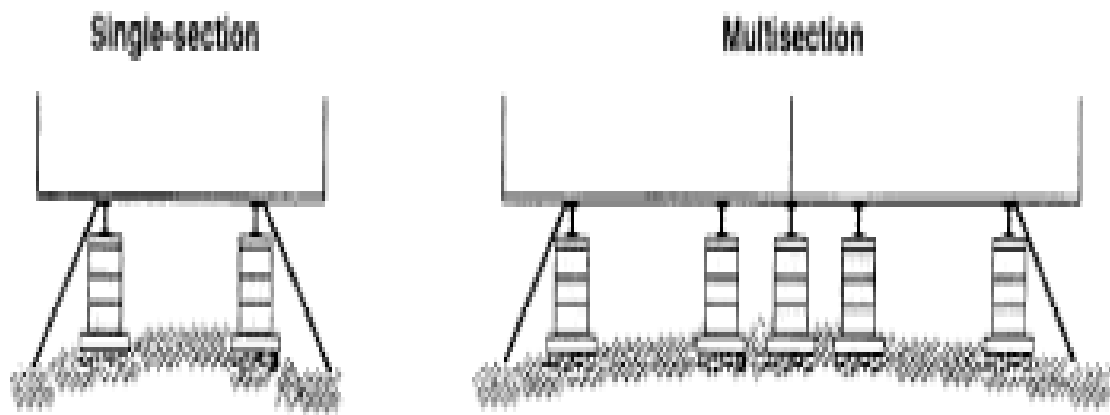
c. Clearance Under Homes

The site should be graded such that a minimum clearance of 12 inches is maintained beneath the lowest member of the main frame (I beam or channel beam) in the area of utility connections.

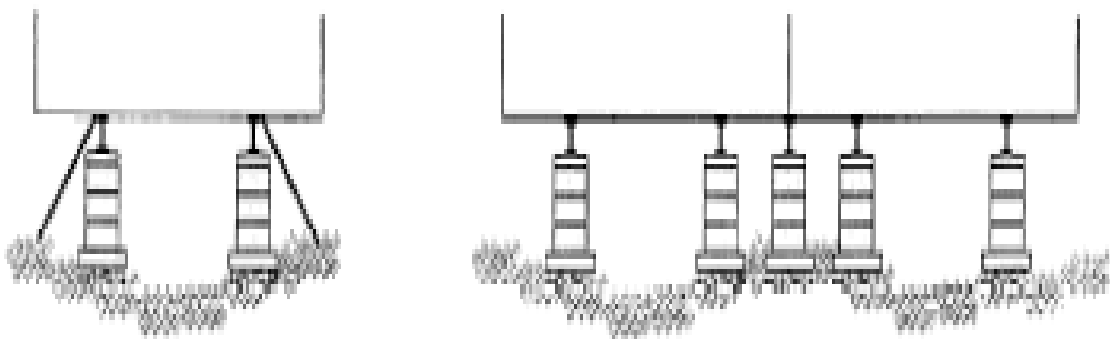
Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

**5.07.1**Figure 1- Site Grading

**FIGURE 1 - SITE GRADING**



**DO:** Crown and grade site to slope away from home, and cover with 6 mil thick polyethylene sheeting or equivalent.



**DONT:** Grade site so that water collects beneath home.

#### A. Drainage of Site (Figure I)

1. Site drainage is the responsibility of the retailer, developer and installer/transporter, as contemplated by Mississippi Code Ann., Section 75-49-5, and applicable HUD Regulations. Each site should have a finished grade that will provide for drainage away from the home. Collection of water beneath the home may lead to reduced durability of siding and bottom board, condensation in walls and ceilings, etc. Improper drainage and soil saturation may also cause buckling of walls and floors, problems with the operation of the doors and windows, etc.
2. Removal of Organic Material  
  
Remove all decayable material, such as grass, roots, twigs, and wood scraps, from beneath the footings of the home to minimize settling and insect damage.
3. Before attempting to move a home, ensure that the transportation equipment and home can be routed to the installation site. Special transportation permits may be required from federal, state, county, or city officials.

#### B. Soil Type/Capacity

1. Under the Federal Standards, manufacturers are only required to provide one acceptable method for installing the home. However, manufacturers usually provide installation instructions that can be applied to a number of sites. These "generic" instructions commonly specify a minimum acceptable bearing capacity of the soil. Additionally, the manufacturer may offer options for acceptable footing sizes based on the bearing capacity of the soil. Installers and inspection personnel should first determine the bearing capacity of the soil in order to determine the proper size footing or foundation. Different soil types will have different bearing and holding capacities. The bearing capacity of the soil is the load per unit area that can be supported safely by the ground. The performance of the ground anchor is related to the soil's holding capacity. In the absence of borings, test pits, and other soil investigations that provide information on the proposed site, the following description of soil types may be used for homes installed in Mississippi:

Source: *Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)*

#### 5.07.2: Table 1- Soil Classification

**TABLE I - SOIL CLASSIFICATION**

<b>Psf</b>	<b>kg/m2</b>	<b>Soil Type</b>
2000	9765	Loose sand clay soils or medium soft clay

3000	14647	Firm or stiff clay
4000	19530	Loose fine sand or compact inorganic silt soils
6000	29295	Compact sand clay soils
8000	39059	Loose coarse to medium compact fine sand

\*Note: The above table may be used if the soil characteristics are known. If the soil type is unknown, the following resources may be consulted to determine the soil type/bearing capacity:

- A. Local authorities having jurisdiction;
- B. Soil conservation district;
- C. United States Geological Survey;
- D. The Resource Conservation Agency of the U. S. Department of Agriculture;
- E. Highway Department;
- F. Qualified Professional Engineer; and/or
- G. Other methods approved by the Commissioner.

1. Required Piers and Anchorage (Figure II)

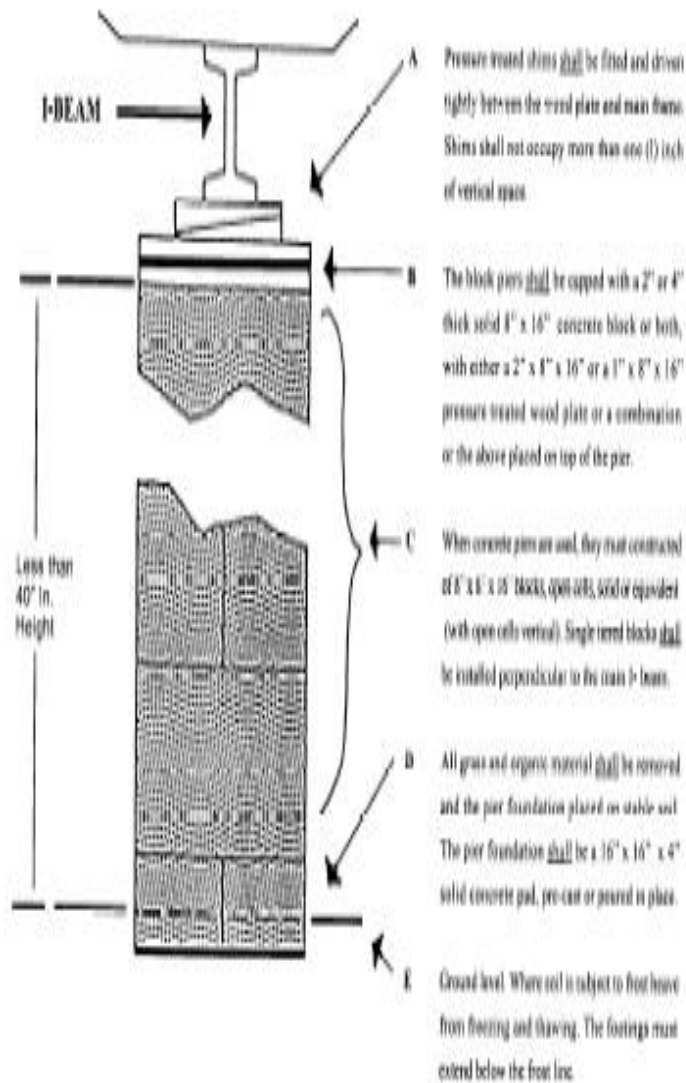
- a. All manufactured or mobile homes require diagonal ties to restrict the unit from being pushed from its piers. These diagonal ties also restrict overturning. Additional over the top tie downs to restrict overturning are required by some manufactured home installation instructions.
  - b. Piers or load-bearing supports or devices shall be designed and constructed to evenly distribute the loads. Piers shall be securely attached to the frame of the manufactured home or shall extend at least 6 inches (152 mm) from the centerline of the frame member. Manufactured load-bearing supports or devices shall be listed or approved for the use intended, or piers shall be constructed as follows:
2. Except for corner piers, piers less than 40 inches (1016 mm) high shall be constructed of masonry units, placed with cores or cells vertically. Piers shall be installed with their long dimensions perpendicular to the main (I beam) frame member it supports and shall have a minimum cross sectional area of 119 sq in (0.077 m<sup>2</sup>). Piers shall be capped with a minimum 2 inch (51 mm) solid masonry unit or concrete cap, or equivalent.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

**5.07.3:** Figure 2- Minimum Blocking Standards



FIGURE II - MINIMUM BLOCKING STANDARDS



- A. Piers between 40 and 80 inches (1016 and 2032 mm) high and all corner piers over 24 inches (610 mm) shall be at least 16x16 inches (406x406 mm) consisting of interlocking masonry units and shall be fully capped with a minimum 4 inch (102 mm) solid masonry unit or equivalent.

- B. Piers over 80 inches (2032 mm) high shall be constructed in accordance with the provisions of paragraph 2 above, provided the piers shall be filled solid with grout and reinforced with four continuous No. 5 bars. One bar shall be placed in each corner cell of hollow masonry unit piers, or in each corner of the grouted space of piers constructed of solid masonry units.
- C. Cast in place concrete piers meeting the same size and height limitations of paragraphs 1, 2 and 3 above may be substituted for piers constructed of masonry units.
- D. All piers shall be constructed on footings of solid concrete not less than 16 x 16 x 4 inches (406 x 406 x 102 mm).
  - 1. Piers shall be located in accordance with the manufactured home installation instructions. If the manufactured home installation instructions are not available for a used home, piers for single section homes are to be placed under each longitudinal main frame member not to exceed 8 ft (2438 mm) on center spacing for homes that are 14 ft (4267 mm) wide or less and 6 ft (1829 mm) on center for homes that are over 14 ft (4267 mm) wide. Piers for multi section homes are to be placed under each longitudinal main frame member not to exceed 6 ft (1829 mm) on center spacing. For used multi section homes, piers are to be placed under the center marriage line within one foot at each end, under ridge beam support columns, and under both sides of openings at the marriage line greater than 12 ft (3657 mm). For all homes, exterior doors shall have piers directly under both sides of the door openings. Where practical for all homes, end piers shall be placed within 1 ft (305 mm) of the ends of the main frame. When the location and spacing of wheels and axles, or other structural members of home frames, or undercarriages prevent spacing of piers on 8 or 6 ft (2438 or 1829 mm) centers, the spacing shall be as near 8 or 6 ft (2438 or 1829 mm) maximum spacing as practicable in the area of the obstruction. Piers shall be placed under other concentrated loads such as porch posts, bay window overhangs, and masonry faced fireplaces on floor overhangs. Units that exceed 16 ft (4877 mm) in width shall have perimeter piers under the sidewalls every 6 ft (1829 mm) and at each corner. Perimeter piers shall be under the intersection of a perimeter joist and a transverse joist or shall be under a 4x4 inch (102x102 mm) brace that supports at least two floor joists.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

#### **5.07.4: Table 2- Maximum Pier Load in Pounds**

**TABLE II - MAXIMUM PIER LOAD IN POUNDS**

Number of Concrete Blocks	Soil Bearing Value	Maximum Allowable Load
1	1,000 lbs/square foot	4,800 lbs.
2	2,000 lbs/square foot & greater	9,600 lbs.

\* ABS Pad types include the following:

13 1/4" x 26 1/4" Pad 2.395 square feet ID#4148 4 or  
20" x 20" Pad 2.777 square feet ID#1055 7

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

#### 5.07.5: Table 3- Maximum Pier Load

**TABLE III - MAXIMUM PIER LOAD**

Type	Pad Configuration	Pad Area (in square inches)	Soil Bearing Capacity PSF (in pounds)					
			1000	1500	2000	2500	3000	Remarks
1	1-16 x 16 w/1 or w/2 CMUs	256	1780	2670	3560	4450	5340	Max: 5340 #
2	1-18.5 x 18.5 w/1 CMU	342	2375	3563	4750	5598	5598	Max: 5600 #
3	1-18.5 x 18.5 w/2 CMUs	342	2375	3563	4750	5938	7125	Max: 7125 #
4	2-13.13 x 26.13 w/1 CMU	342	2375	3563	4750	5938	6400	Max: 6400 #
5	1-18.5 x 18.5 w/1 CMU ID# SPA 264-1-1	342	2375	6563	4750	5938	7125	Max: 7125 #
6	1-20 x 20 w/1 CMU	400	2775	4167	5556	5600	5600	Max: 5600 #
7	1-20 x 20 w/2 CMUs	400	2775	4167	5556	6944	8333	Max: 8333 #

***All pad sizes shown are nominal dimensions and may vary up to 1/8 inch.***

#### A. Installation Instructions for ABS Pads

1. The purpose of this section is to emphasize that the ground under the ABS pads must be leveled, evenly compacted, and cleared of all vegetation and debris

before the placement of the pads. For ABS Pads having model numbers different from those specified in this regulation, installation instructions shall be approved by the Commissioner.

2. Note that if pad deflects more than 5/8 of an inch when installed, pier spacing is incorrect for soil conditions. The maximum deflection in a single pad is 5/8 of an inch measured from the highest point to the lowest point of the top.
3. Installation Instructions for ABS Pads B 26X 26 Inch Pad Configuration
  - a. All pads are to be installed flat side down, ribbed side up.
  - b. The ground under the pads should be leveled as smooth as possible with all vegetation removed. Pads are to be placed on natural grade unless otherwise permitted by the local building authority.
  - c. Pier and pad spacing will be determined by the manufactured home manufacturer's written set up instructions. In the absences of manufacturer's written set up instructions and written set up instructions from the manufacturer of the pads, pier and pad spacing shall be no greater than 6 ft apart for Zone I and no greater than 4 ft for Zone II.
  - d. The open cells between the ribbings on the upper side of the pads may be filled with soil or sand after installation to prevent any accumulation of stagnant water in the pads.
  - e. A pocket penetrometer may be used to determine the actual soil bearing value. If soil testing equipment is not available, use an assumed soil value of 1000 lbs/square foot.
  - f. All pad sizes shown are nominal dimensions and may vary to 1/8 of an inch.
  - g. The maximum deflection in a single pad is 5/8 of an inch measured from the highest point to the lowest point of the top face. (Please review Table IV and Figures III and IV).

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

**5.07.6:** Table 4- Size and Load

**TABLE IV – SIZE AND LOAD**

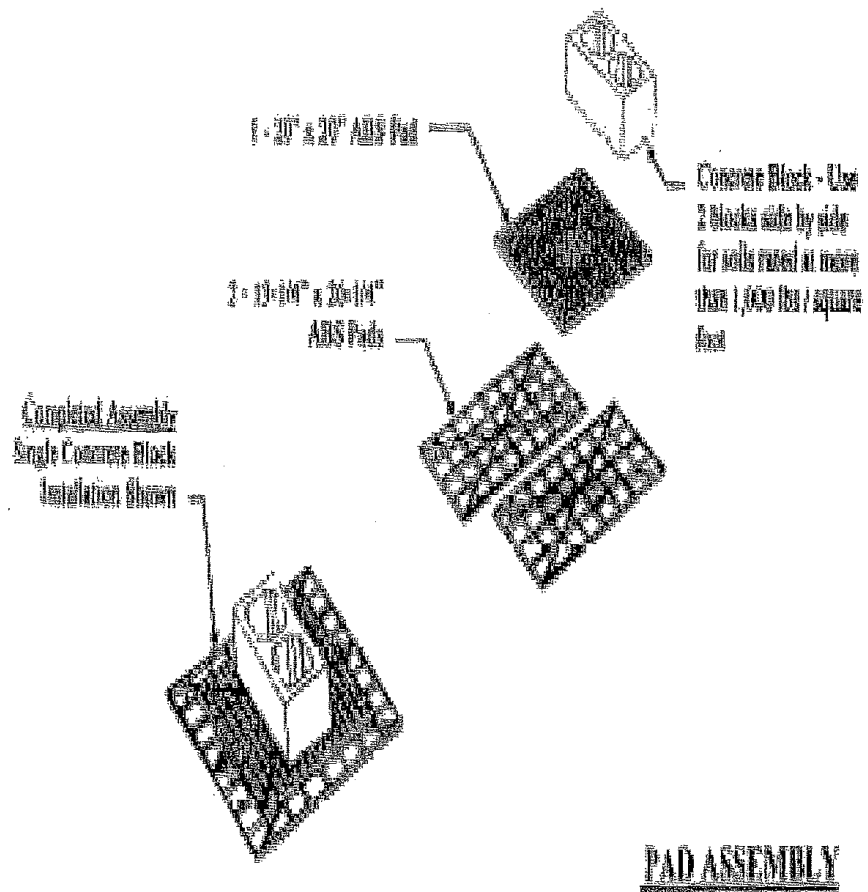
<b>PAD SIZE</b>	<b>PAD AREA</b>	<b>1000 LB.SOIL</b>	<b>2000 LB.SOIL</b>	<b>3000 LB.SOIL</b>
16" X 16"	256 sq. in.	1,780 lbs.	3,560 lbs.	5,333 lbs.
18.5" X 18.5"	342 sq. in.	2,375 lbs.	4,750 lbs.	7,125 lbs.
20" X 20"	400 sq. in.	2,750 lbs.	5,500 lbs.	8,250 lbs.

- A. Any configuration above may be used to replace a home manufacturer's recommended concrete or wood base pad.
- B. The maximum load at any intermediate solid value may be determined as the average of the next lower and next higher soil values given in the above table.
- C. Pad sizes shown are nominal dimensions and may vary up to 1/8 inch.
- D. Pad loads are the same when using single stack or double stack blocks.

Source: Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)

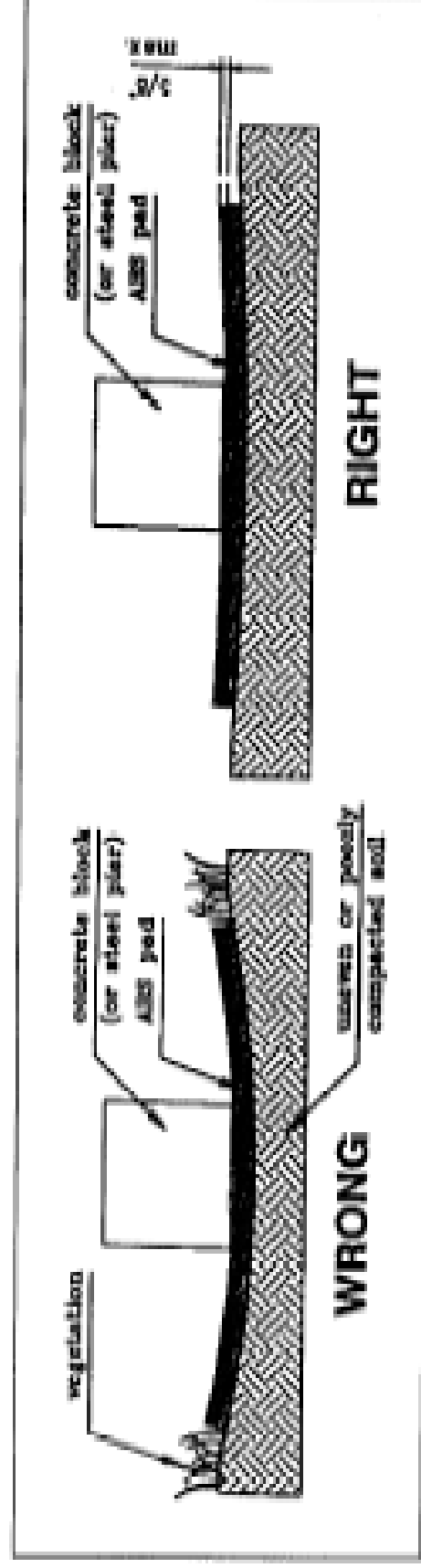
**Rule 5.07.7:** Figure 3- ABS Pad Assembly and Installation Instructions

**FIGURE III - ABS PAD ASSEMBLY**  
**Installation Instructions for ABS Pads**  
**26" x 26" Pad Configuration**



**FIGURE IV - ABS PAD INSTALLATION INSTRUCTIONS**  
 Addendum (9 October 1995, Revised 27 September 1996)

The purpose of this addendum is to emphasize that the ground under the ABS pads must be leveled, evenly compacted, and cleared of all vegetation and debris before the placement of the pads.



The maximum deflection in a single pad is 5/8" measured from the highest point to the lowest point of the top.

Source: *Miss. Code Ann. § 75-49-1, et seq. (Rev. 2009)*

**Rule 5.07.8:** Table 5- Minimum Number of Tiedowns for Wind Zone II and Table 6- Minimum Number of Tiedowns for Wind Zone I

A. Definitions

1. **DIAGONAL TIE** - any tie-down designed to resist horizontal or shear forces and which deviates not less 30° (0.52 rad) from a vertical direction.
2. **GROUND ANCHOR** - any device at the manufactured home stand designed for the purpose of securing a manufactured home to the ground.
3. **WIND (HURRICANE) ZONE II** - Hancock, Harrison, Jackson, George, Stone and Pearl River Counties are all Wind Zone II areas for the State of Mississippi.
4. **TIEDOWN** - any device designed for the purpose of anchoring a manufactured home or mobile home to the ground anchors.

**TABLE V - MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE II**

Length of manufactured home, excluding draw bar (ft.)	Number of vertical ties	Number of diagonal ties, each side	Total required anchors per home
0-40	2	4	8
41-60	3	6	12
61-84	4	8	16
** 85 +			

**TABLE VI MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE I**

Length of manufactured home, excluding draw bar (ft.)	Number of vertical ties	Number of diagonal ties, each side	Total required anchors per home
0-40	2	3	6
41-60	3	5	10
61-84	3	6	12
** 85 +			

\* These tables are based on a minimum working load per tie of 3,150 lbs with a 50 % overload (4,725 lbs total).



\*\* The number of vertical ties, diagonal ties, and total required anchors of homes that exceed 85+ feet is subject to the approval of the Commissioner.

B. Tie-downs

1. Manufactured or mobile homes with provisions for installation of anchor systems, including instructions, in accordance with Federal Manufactured Home Construction & Safety Standards, Section 24 CFR 3280.306 shall be installed in accordance with the manufacturer's instructions. Manufactured homes or mobile homes not provided with such installation instructions, or manufactured homes or mobile homes not provided with instructions for the zone (wind or non-wind) in which they are being installed shall comply with the following:
  - a. The number of tie-downs for single wide (10 ft, 12 ft, or 14 ft) manufactured homes or mobile homes shall comply with Tables V and Table VI.
  - b. Manufactured homes or mobile homes shall be tied down in accordance with these tables unless the anchoring system is designed and approved by a registered professional Mississippi engineer (as per manufacturer's installation instructions).
  - c. Single section manufactured homes or mobile homes shall have diagonal and vertical ties and anchors in accordance with the tables below unless manufacturer's installation instructions are utilized.
  - d. Multiple wide manufactured or mobile homes shall have diagonal ties and anchors as required above for single wide manufactured or mobile homes as listed in **Tables V and VI above**.
  - e. Alternate systems. These specifications are minimum standards. Other anchor systems shall be approved by the Division or local building official(s) provided that such designs are prepared by a registered professional Mississippi engineer or architect based on the criteria set forth in Federal Manufactured Home Construction & Safety Standards, Section 3280.306.
  - f. Tie-down Spacing and Sizes
    - i. Over the top tie-downs shall be positioned at stud and rafter locations near each end of the manufactured or mobile home. Others, if needed, may be positioned between them.

- ii. Wherever feasible, over the top tie-downs and frame ties directly beneath them may use the same anchors.
- iii. Cable or strapping or other approved methods or materials shall be used for ties. All ties shall be fastened to ground anchors and drawn tight with turnbuckles, yoke type fasteners or other such tensioning devices listed with the ground anchor.
- iv. Cable shall be either 7/32 inch (5.6 mm) diameter or greater (7x7) steel cable or 1/4 inch (6.4 mm) diameter or greater (7x19) aircraft cable. All cable ends shall be secured with at least two U bolt type cable clamps or other fastening device as approved by the building official.
- v. Tie materials shall be capable of resisting an allowable working load of 3,150 lbs (14.0 kN) with no more than 2% elongation and shall withstand a 50% overload [4,725 lbs (21.0 kN) total]. Tie-downs exposed to weathering shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz per square foot (92 g/m<sup>2</sup>) of surface coated. Type I, Class B, Grade I, steel strapping 1 1/4 inches (32 mm) wide and 0.035 inch (0.89 mm) thick, conforming to Federal Specifications QQ S 781 F, is judged to conform to this section.
- vi. Materials used for ties must terminate with D-rings bolts, or other fastening devices, which will not cause distortion of the band or reduce its breaking strength of 4,725 lb (21.0 kN). Please note that ties should be double wrapped (double looped) at top of beam, not at the bottom.
- vii. Connection of the cable frame tie to the I-beam (or other shape) main structural frame member should be by a 5/8 inch (15.9 mm) drop forged closed eye bolted through a hole drilled in the center of the I-beam web. A washer, or equivalent, shall be used so that the beam is sufficiently reinforced around the hole. If steel strap ties are used, care should be exercised to insure that minimum bending radius is adhered to so that the breaking strength of the strap is not reduced.
- viii. Frame ties shall connect the anchor and the steel I-beam (or other shape) main structural frame member which runs lengthwise under the manufactured home or mobile home. Frame ties shall never be

connected to any of the steel outrigger beams which fasten to and intersect the main I beam at right angles.

- ix. Ground anchors should be aligned with center of piers. Also, they should be situated immediately below the outer wall to accommodate over the top ties as well as frame ties.

### C. Anchors

1. Devices used to anchor manufactured or mobile homes shall meet the following requirements:
  - a. Ground anchors shall be aligned close to the end of the piers, but not in exact center that will interfere with frame ties.
  - b. Auger-type (or other C-4 rated) anchors shall be at least 4 ft in length, have a minimum diameter of 6 inches (arrowheads 8 inches) and be sunk their full depth when sandy soils are present. When the condition of the soil (including ground density, composition and compaction) will not allow the Auger-type or other C-4 rated anchors to be sunk to their full depth, the Auger-type or other C-4 rated anchor attempted to be sunk shall be left in place and C-2 rated anchors may be used. Steel rods shall be at least 5/8 of an inch in diameter, have a forged or welded eye at top, or have a yoke type fastening and tensioning device or a threaded connector and tensioning device. C-4 anchors shall be capable of withstanding 4,750 lbs of pull (in a vertical or diagonal direction) without failure.
  - c. Anchors to reinforced concrete slabs must be strength comparable to that presented above.
  - d. Other anchors which are capable of withstanding 4,750 lbs of pull without failure may be approved by the Factory-Built Home Division of the State Fire Marshal's Office as equivalent to above specifications.
  - e. All ground anchors having frame tie connections only shall have approved stabilizing plates installed on the inside (direction of pull) with the top of the stabilizing plate driven flush with the soil. Exception: Stabilizer plates are not required with coral anchors or at centerline or marriage wall locations.
  - f. The "Standard Method of Test for Manufactured Home Anchors, Parts A and B" is described in the Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.401.

#### D. General

All new manufactured, mobile or modular homes shall be installed in accordance with the home installation instructions. These instructions may include the following details.

1. Skirting must have vents and an opening for access to the crawl space and heat tape outlet.
2. The dryer exhaust vent must terminate outside the home.
3. Combustion air vents may be needed for sealed combustion units and fireplaces.
4. A vapor barrier may be required on the soil.
5. A clearance must be maintained between the soil and wood floor joists.
6. Water supply lines may be required to be insulated.
7. The lot should be graded to avoid standing water under the home.
8. The air conditioning condensate drain may be specified to have a termination outside the home.
9. Specifications for utility connections must be followed.
  - a. If the installation instructions for used manufactured or mobile homes are not available, the anchoring and support requirements of this standard shall be followed and other aspects of the home installation shall conform to the minimum standards for occupancy established by the Rules and Regulations of the Factory-Built Home Division.
  - b. Used Manufactured or mobile homes, built after July 13, 1994, that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the county or municipality having jurisdiction within the Wind Zone II area. The Wind Zone II area for homes manufactured after July 13, 1994, consists of the following counties: Hancock, Harrison, Jackson, George, Pearl River, and Stone.
  - c. For used manufactured or mobile homes that were built prior to July 13, 1994, the following shall apply, If the manufactured home or mobile was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post-July 13, 1994, counties that are listed in No. 3 above. For reference, HUD designated Hurricane Zone counties

that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the county or municipality having jurisdiction within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre-July 13, 1994, Hurricane Zone house, then the requirements of such county or municipality shall govern.

- d. For the sales and installation of all manufactured housing, the retailer or developer shall determine whether the house is constructed to the properly rated Wind/Hurricane zone for its intended use and installation by referring to the HUD data plate.
- e. The support and anchoring systems of all mobile homes that bear the HUD label shall be designated by a Registered Professional engineer or architect and meet the requirements of 24 CFR Section 3280.306, pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. Section 5401, et seq.) and the Manufactured Housing Improvement Act of 2000 as amended. The manufacturer shall provide complete tie-down instructions with each manufactured or mobile home.
- f. From and after July 1, 2005, no retailer, developer, transporter or installer shall deliver or cause to be delivered any factory-built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the Commissioner pursuant to Section 75-49-5; provided, however, that a period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of such homes.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

#### **Rule 5.08: Official Notices and Bulletins**

All manufacturers, retailers, developers and installer/transporters shall maintain any and all official notes and/or bulletins issued by the Factory-Built Home Division for five (5) years from the date of issuance. If so required by this Factory-Built Home Division, all manufacturers, retailers, developers and installer/transporters shall display official notices and bulletins in plain view for the public. Exception: Any official notices and bulletins marked as permanent records or **DO NOT DESTROY**.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

#### **Rule 5.09: Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §75-49-5 (Rev. 2009)

**Rule 5.10:** Repeal of Emergency Regulation MH-2009-2

Emergency Regulation MH-2009-2 is repealed upon adoption of Regulation MH-5, as amended.

Source: Miss. Code Ann. §25-43-3.108 (Rev. 2010)

**Rule 5.11:** Effective Date

This amended Regulation shall become effective on November 1, 2009.

Source: Miss. Code Ann. §25-43-3.113 (Rev. 2010)

**Rule 5.12:** Exhibit A- Mississippi Manufactured Home Installation Program Standards  
*PDF format 5.11.1 through 5.11.10*

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**EXHIBIT "A"**  
**MISSISSIPPI MANUFACTURED HOME INSTALLATION PROGRAM STANDARDS**

**24 CFR PART 3285—Model Manufactured Home Installation Standards**

**Subpart A—General**

Sec.

- 3285.1 Administration.
- 3285.2 Manufacturer installation instructions.
- 3285.3 Alterations during initial installation.
- 3285.4 Incorporation by reference (IBR).
- 3285.5 Definitions.
- 3285.6 Final leveling of manufactured home.

**Subpart B—Pre-Installation Considerations**

- 3285.101 Fire separation.
- 3285.102 Installation of manufactured homes in flood hazard areas.
- 3285.103 Site suitability with design zone maps.
- 3285.104 Moving manufactured home to location.
- 3285.105 Permits, other alterations, and on-site structures.

**Subpart C—Site Preparation**

- 3285.201 Soil conditions.
- 3285.202 Soil classifications and bearing capacity.
- 3285.203 Site drainage.
- 3285.204 Ground moisture control.

**Subpart D—Foundations**

- 3285.301 General.
- 3285.302 Flood hazard areas.
- 3285.303 Piers.
- 3285.304 Pier configuration.
- 3285.305 Clearance under homes.
- 3285.306 Design procedures for concrete block piers.
- 3285.307 Perimeter support piers.
- 3285.308 Manufactured piers.
- 3285.309 [Reserved]
- 3285.310 Pier location and spacing.
- 3285.311 Required perimeter supports.
- 3285.312 Footings.
- 3285.313 Combination systems.
- 3285.314 [Reserved]
- 3285.315 Special snow load conditions.

### **Subpart E—Anchorage Against Wind**

- 3285.401 Anchoring instructions.
- 3285.402 Ground anchor installations.
- 3285.403 Sidewall, over-the-roof, mate-line, and shear wall straps.
- 3285.404 Severe climatic conditions.
- 3285.405 Severe wind zones.
- 3285.406 Flood hazard areas.

### **Subpart F—Optional Features**

- 3285.501 Home installation manual supplements.
- 3285.502 Expanding rooms.
- 3285.503 Optional appliances.
- 3285.504 Skirting.
- 3285.505 Crawlspace ventilation.

### **Subpart G—Ductwork and Plumbing and Fuel Supply Systems**

- 3285.601 Field assembly.
- 3285.602 Utility connections.
- 3285.603 Water supply.
- 3285.604 Drainage system.
- 3285.605 Fuel supply system.
- 3285.606 Ductwork connections.

### **Subpart H—Electrical Systems and Equipment**

- 3285.701 Electrical crossovers.
- 3285.702 Miscellaneous lights and fixtures.
- 3285.703 Smoke alarms.
- 3285.704 Telephone and cable TV.

### **Subpart I—Exterior and Interior Close-Up**

- 3285.801 Exterior close-up.
- 3285.802 Structural interconnection of multi-section homes.
- 3285.803 Interior close-up.
- 3285.804 Bottom board repair.

### **Subpart J—Optional Information for Manufacturer's Installation Instructions**

- 3285.901 General.
- 3285.902 Moving manufactured home to location.
- 3285.903 Permits, alterations, and on-site structures.
- 3285.904 Utility systems connection.



3285.905 Heating oil systems.  
3285.906 Telephone and cable TV.  
3285.907 Manufacturer additions to installation instructions.

## **Subpart A—General**

### **§ 3285.1 Administration.**

(a) Scope. These Model Installation Standards provide minimum requirements for the initial installation of new manufactured homes, in accordance with section 605 of the Act (42 U.S.C. 5404) and § 75-49-7 (2) of the Mississippi Code, 1972, Annotated, as amended. The manufacturer's installation instructions, including specific methods for performing a specific operation or assembly, will be deemed to comply with these Model Installation Standards, provided they meet or exceed the minimum requirements of these Model Installation Standards and do not take the home out of compliance with the Manufactured Home Construction and Safety Standards (24 CFR part 3280). Work necessary to join all sections of a multi-section home specifically identified in Subparts G, H, and I of this part, or work associated with connecting exterior lights, chain-hung light fixtures, or ceiling-suspended fans, as specifically identified in Subpart I, is not considered assembly or construction of the home, although the design of those elements of a manufactured home must comply with the Manufactured Home Construction and Safety Standards (MHCSS). However, work associated with the completion of hinged roofs and eaves in § 3285.801 and other work done on-site and not specifically identified in this part as close-up is considered construction and assembly and is subject to the requirements of the Manufactured Home Construction and Safety Standards (24 CFR part 3280) and the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282).

(b) Applicability. The standards set forth herein have been established to accomplish certain basic objectives and are not to be construed as relieving manufacturers, retailers, installers, or other parties of responsibility for compliance with other applicable ordinances, codes, regulations, and laws. The manufactured homes covered by this standard must comply with requirements of the U.S. Department of Housing and Urban Development's (HUD) MHCSS Program, as set forth in 24 CFR part 3280, Manufactured Home Construction and Safety Standards, and 24 CFR part 3282, Manufactured Home Procedural and Enforcement Regulations, as well as with, upon effect, the Manufactured Home Installation Program, 24 CFR part 3286, and the Dispute Resolution Program, 24 CFR part 3288. The requirements of this part do not apply to homes installed on site-built permanent foundations when the manufacturer certifies the home modular homes.

### **§ 3285.2 Manufacturer installation instructions**

(a) Instructions required. A manufacturer must provide with each new manufactured home, installation designs and instructions that have been approved by the Secretary or DAPIA. The approved installation instructions must include all topics covered in the Model Installation Standards for the installation of manufactured homes. These installation instructions and any variations thereto that are prepared to comply with paragraph (c) of this section must provide protection to residents of the manufactured homes that equals or exceeds the protection provided by these Model Installation Standards and must not take the manufactured home out of compliance with the MHCSS. These instructions must insure that each home will be supported and anchored in a manner that is capable of meeting or exceeding the design loads required by the MHCSS.

(b) Professional engineer or registered architect certification. A professional engineer or registered architect must prepare and certify that the manufacturer's installation instructions meet or exceed the Model Installation Standards for foundation support and anchoring whenever:

(1) The manufacturer's installation instructions do not conform in their entirety to the minimum requirements or tables or their conditions for foundation support and anchoring of this Standard; or

(2) An alternative foundation system or anchoring system is employed, including designs for basements and perimeter support foundation systems, whether or not it is included in the installation instructions; or

(3) Materials such as metal piers or alternatives to concrete footing materials are required by the installation instructions; or

(4) Foundation support and anchoring systems are designed for use in areas subject to freezing or for use in areas subject to flood damage or high seismic risk; or

(5) Foundations support and anchoring systems are designed to be used in special snow load conditions or in severe wind design areas; or

(6) Site conditions do not allow the use of the manufacturer's installation instructions; or

(7) There are any other circumstances in which the manufacturer's installation instructions would not permit the home to be installed in conformance with the Installation Standards or the MHCSS.

(c) Variations to installation instructions.

(1) Before an installer provides support or anchorage that are different than those methods specified in the manufacturer's installation instructions, or when the installer encounters site or other conditions (such as areas that are subject to flood damage or high seismic risk) that prevent the use of the instructions, the installer must:

(i) First attempt to obtain DAPIA-approved designs and instructions prepared by the manufacturer; or

(ii) If designs and instructions are not available from the manufacturer, obtain an alternate design prepared and certified by a registered professional engineer or registered architect for the support and anchorage of the manufactured home that is consistent with the manufactured home design, conforms to the requirements of the MHCSS, and has been approved by the manufacturer and the DAPIA.

(2) The manufacturer's installation instructions must include an explanation of the requirement in paragraph (c)(1) of this section.

### **§ 3285.3 Alterations during initial installation.**

Additions, modifications, or replacement or removal of any equipment that affects the installation of the home made by the manufacturer, retailer, or installer prior to completion of the installation by an installer must equal or exceed the protections and requirements of these Model Installation Standards, the MHCSS (24 CFR part 3280) and the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282). An alteration, must not affect the ability of the basic manufactured home to comply with the MHCSS, and the alteration must not impose additional loads to the manufactured home or its foundation, unless the alteration is included in the manufacturer's DAPIA-approved designs and installation instructions, or is designed by a registered

professional engineer or architect consistent with the manufacturer's design and that conforms to the requirements of the MHCSS.

#### **§ 3285.4 Incorporation by reference (IBR).**

The materials listed in these Model Installation Standards are hereby incorporated by reference.

#### **§ 3285.5 Definitions.**

The definitions contained in this section apply to the terms used in these Model Installation Standards. Where terms are not included, common usage of the terms applies. The definitions are as follows:

**Act.** The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401– 5426.

**Anchor assembly.** Any device or other means designed to transfer home anchoring loads to the ground.

**Anchoring equipment.** Ties, straps, cables, turnbuckles, chains, and other approved components, including tensioning devices that are used to secure a manufactured home to anchor assemblies.

**Anchoring system.** A combination of anchoring equipment and anchor assemblies that will, when properly designed and installed, resist the uplift, overturning, and lateral forces on the manufactured home and on its support and foundation system.

**Approved.** When used in connection with any material, appliance or construction, means complying with the requirements of the Department of Housing and Urban Development.

**Arid region.** An area subject to 15 inches or less of annual rainfall.

**Base flood.** The flood having a one percent chance of being equaled or exceeded in any given year.

**Base flood elevation (BFE).** The elevation of the base flood, including wave height, relative to the datum specified on a LAHJ's flood hazard map.

**Comfort cooling certificate.** A certificate permanently affixed to an interior surface of the home specifying the factory design and preparations for air conditioning the manufactured home.

**Crossovers.** Utility interconnections in multi-section homes that are located where the sections are joined. Crossover connections include heating and cooling ducts, electrical circuits, water pipes, drain plumbing, and gas lines.

**Design Approval Primary Inspection Agency (DAPIA).** A state or private organization that has been accepted by the Secretary in accordance with the requirements of Part 3282, Subpart H of this chapter, which evaluates and approves or disapproves manufactured home designs and quality control procedures.

**Diagonal tie.** A tie intended to resist horizontal or shear forces, but which may resist vertical, uplift, and overturning forces.

**Flood hazard area.** The greater of either: The special flood hazard area shown on the flood insurance rate map; or the area subject to flooding during the design flood and shown on a LAHJ's flood hazard map, or otherwise legally designated.

**Flood hazard map.** A map delineating the flood hazard area and adopted by a LAHJ.

**Footing.** That portion of the support system that transmits loads directly to the soil.

**Foundation system.** A system of support that is capable of transferring all design loads to the ground, including elements of the support system, as defined in this section, or a site-built permanent foundation that meets the requirements of 24 CFR 3282.12.

**Ground anchor.** A specific anchoring assembly device designed to transfer home anchoring loads to the ground.

**Installation instructions.** DAPIA- approved instructions provided by the home manufacturer that accompany each new manufactured home and detail the home manufacturer requirements for support and anchoring systems, and other work completed at the installation site to comply with these Model Installation Standards and the Manufactured Home Construction and Safety Standards in 24 CFR Part 3280.

**Installation standards.** Reasonable specifications for the installation of a new manufactured home, at the place of occupancy, to ensure proper siting; the joining of all sections of the home; and the installation of stabilization, support, or anchoring systems.

**Labeled.** A label, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling is indicated compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

**Listed or certified.** Included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

**Local authority having jurisdiction (LAHJ).** The state, city, county, city and county, municipality, utility, or organization that has local responsibilities and requirements that must be complied with during the installation of a manufactured home.

**Lowest floor.** The floor of the lowest enclosed area of a manufactured home. An unfinished or flood-resistant enclosure, used solely for vehicle parking, home access, or limited storage, must not be considered the lowest floor, provided the enclosed area is not constructed so as to render the home in violation of the flood-related provisions of this standard.

**Manufactured home.** A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or which when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**Manufactured Home Construction and Safety Standards or MHCSS.** The Manufactured Home Construction and Safety Standards established in part 3280 of this chapter, pursuant to section 604 of the Act, 42 U.S.C. 5403.

**Manufactured home gas supply connector.** A listed connector designed for connecting the manufactured home to the gas supply source.

**Manufactured home site.** A designated parcel of land designed for the installation of one manufactured home for the exclusive use of the occupants of the home.

**Model Installation Standards.** The installation standards established in part 3285 of this chapter, pursuant to section 605 of the Act, 42 U.S.C. 5404.

**Pier.** That portion of the support system between the footing and the manufactured home, exclusive of shims. Types of piers include, but are not limited to: Manufactured steel stands; pressure-treated wood; manufactured concrete stands; concrete blocks; and portions of foundation walls.

**Ramada.** Any freestanding roof or shade structure, installed or erected above a manufactured home or any portion thereof.

**Secretary.** The Secretary of Housing and Urban Development, or an official of HUD delegated the authority of the Secretary with respect to the Act.

**Skirting.** A weather-resistant material used to enclose the perimeter, under the living area of the home, from the bottom of the manufactured home to grade.

**Stabilizing devices.** All components of the anchoring and support systems, such as piers, footings, ties, anchoring equipment, anchoring assemblies, or any other equipment, materials, and methods of construction, that support and secure the manufactured home to the ground.

**Support system.** Pilings, columns, footings, piers, foundation walls, shims, and any combination thereof that, when properly installed, support the manufactured home.

**Tie.** Straps, cable, or securing devices used to connect the manufactured home to anchoring assemblies.

**Ultimate load.** The absolute maximum magnitude of load that a component or system can sustain, limited only by failure.

**Utility connection.** The connection of the manufactured home to utilities that include, but are not limited to, electricity, water, sewer, gas, or fuel oil.

Vertical tie. A tie intended to resist uplifting and overturning forces.

Wind zone. The areas designated on the Basic Wind Zone Map, as further defined in § 3280.305(c) of the Manufactured Home Construction and Safety Standards in this chapter, which delineate the wind design load requirements.

Working load. The maximum recommended load that may be exerted on a component or system determined by dividing the ultimate load of a component or system by an appropriate factor of safety.

#### **§ 3285.6 Final leveling of manufactured home.**

The manufactured home must be adequately leveled prior to completion of the installation, so that the home's performance will not be adversely affected. The home will be considered adequately leveled if there is no more than 1/4 inch difference between adjacent pier supports (frame or perimeter) and the exterior doors and windows of the home do not bind and can be properly operated.

### **Subpart B—Pre-Installation Considerations**

#### **§ 3285.101 Fire separation.**

Fire separation distances must be in accordance with the requirements of Chapter 6 of NFPA 501A, 2003 edition (incorporated by reference, see § 3285.4) or the requirements of the LAHJ. The installation instructions must clearly indicate this requirement in a separate section and must caution installers to take into account any local requirements on fire separation.

#### **§ 3285.102 Installation of manufactured homes in flood hazard areas.**

(a) Definitions. Except to the extent otherwise defined in Subpart A, the terms used in this subpart are as defined in 44 CFR 59.1 of the National Flood Insurance Program (NFIP) regulations.

(b) Applicability. The provisions of this section apply to the initial installation of new manufactured homes located wholly or partly within a flood hazard area.

(c) Pre-installation considerations. Prior to the initial installation of a new manufactured home, the installer is responsible for determining whether the manufactured home site lies wholly or partly within a special flood hazard area as shown on the LAHJ's Flood Insurance Rate Map, Flood Boundary and Floodway Map, or Flood Hazard Boundary Map, or if no LAHJ, in accordance with NFIP regulations. If so located, and before an installation method is agreed upon, the map and supporting studies adopted by the LAHJ must be used to determine the flood hazard zone and base flood elevation at the site.

(d) General elevation and foundation requirements.

(1) Methods and practices. Manufactured homes located wholly or partly within special flood hazard areas must be installed on foundations engineered to incorporate methods and practices that

minimize flood damage during the base flood, in accordance with the requirements of the LAHJ, 44 CFR 60.3(a) through (e), and other provisions of 44 CFR referenced by those paragraphs.

(2) Outside appliances.

(i) Appliances installed on the manufactured home site in flood hazard areas must be anchored and elevated to or above the same elevation as the lowest elevation of the lowest floor of the home.

(ii) Appliance air inlets and exhausts in flood hazard areas must be located at or above the same elevation as the lowest elevation of the lowest floor of the home.

(3) Related guidance. Refer to FEMA 85/September 1985, *Manufactured Home Installation in Flood Hazard Areas*, 1985 (incorporated by reference, see § 3285.4).

**§ 3285.103 Site suitability with design zone maps.**

Prior to the initial installation of a new manufactured home and as part of making the certification of the installation required under part 3286, upon effect, the installer is to verify that the design and construction of the manufactured home, as indicated on the design zone maps provided with the home, are suitable for the site location where the home is to be installed. The design zone maps are those identified in part 3280 of this chapter.

(a) Wind zone. Manufactured homes must not be installed in a wind zone that exceeds the design wind loads for which the home has been designed, as evidenced by the wind zone indicated on the home's data plate and as further defined by counties or local governments within affected states, as applicable, in § 3280.305(c)(2) of the *Manufactured Home Construction and Safety Standards* in this chapter.

(b) Roof load zone. Manufactured homes must not be located in a roof load zone that exceeds the design roof load for which the home has been designed, as evidenced by the roof load zone indicated on the home's data plate and as further defined by counties or local governments within affected states, as applicable, in § 3280.305(c)(3) of the *Manufactured Home Construction and Safety Standards* in this chapter. Refer to § 3285.315 for Special Snow Load Conditions.

(c) Thermal zone. Manufactured homes must not be installed in a thermal zone that exceeds the thermal zone for which the home has been designed, as evidenced by the thermal zone indicated on the heating/cooling certificate and insulation zone map and as further defined by counties or local governments within affected states, as applicable, in § 3280.504(b)(5) of the *Manufactured Home Construction and Safety Standards* in this chapter. The manufacturer may provide the heating/cooling information and insulation zone map on the home's data plate.

**§ 3285.104 Moving manufactured home to location.**

Refer to § 3285.902 for considerations related to moving the manufactured home to the site of installation.

**§ 3285.105 Permits, other alterations, and on-site structures.**

Refer to § 3285.903 for considerations related to permitting, other alterations, and on-site structures.

## Subpart C—Site Preparation

### § 3285.201 Soil conditions.

To help prevent settling or sagging, the foundation must be constructed on **firm**, undisturbed soil or fill compacted to at least 90 percent of its maximum relative density. All organic material such as grass, roots, twigs, and wood scraps must be removed in areas where footings are to be placed. After removal of organic material, the home site must be graded or otherwise prepared to ensure adequate drainage, in accordance with § 3285.203.

### § 3285.202 Soil classifications and bearing capacity.

The soil classification and bearing capacity of the soil must be determined before the foundation is constructed and anchored. The soil classification and bearing capacity must be determined by one or more of the following methods, unless the soil bearing capacity is established as permitted in paragraph (f) of this section:

- (a) Soil tests. Soil tests that are in accordance with generally accepted engineering practice; or
- (b) Soil records. Soil records of the applicable LAHJ; or
- (c) Soil classifications and bearing capacities. If the soil class or bearing capacity cannot be determined by test or soil records, but its type can be identified, the soil classification, allowable pressures, and torque values shown in Table to § 3285.202 may be used.
- (d) A pocket penetrometer; or
- (e) In lieu of determining the soil bearing capacity by use of the methods shown in the table, an allowable pressure of 1,500 psf may be used, unless the site-specific information requires the use of lower values based on soil classification and type.
- (f) If the soil appears to be composed of peat, organic clays, or uncompacted fill, or appears to have unusual conditions, a registered professional geologist, registered professional engineer, or registered architect must determine the soil classification and maximum allowable soil bearing capacity.

**TABLE TO § 3285.202**

Soil classification		Soil description	Allowable soil bearing pressure (psf) 1	Blow count ASTM D 1586-99	Torque probe 3 value 4 (inch-pounds)-
Classifica- tion number	ASTM D 2487-00 or D 2488-00 (incorporated by reference, see § 3285.4)				
1.....	.....	Rock or hard pan...	4000+.....		
2.....	GW, GP, SW, SP, GM, SM	Sandy gravel and gravel; very than dense and/or	2000.....	40+.....	More than 550



3.....	GC, SC, ML, CL...	cemented sands; coarse gravel/cobbles; preloaded silts, clays and coral. Sand; silty sand; clayey sand; silty gravel; medium dense coarse sands; sandy gravel; and very stiff silt, sand clays.	1500.....	24-39...	351-550
4A.....	CG, MH 2....	Loose to medium dense sands; firm to stiff clays and silts; alluvial fills.	1000.....	18-23	276-350.
4B.....	CH, MH 2.....	Loose sands; firm clays; alluvial fills	1000.....	12-17	175-275.
5.....	OL, OH, PT ...	Un-compacted fill; peat; organic clays	Refer to 3285.202(e)	0-11	Less than 175.

**Notes:**

1 The values provided in this table have not been adjusted for overburden pressure, embedment depth, water table height, or settlement problems.

2 For soils classified as CH or MH, without either torque probe values or blow count test results, selected anchors must be rated for a 4B soil.

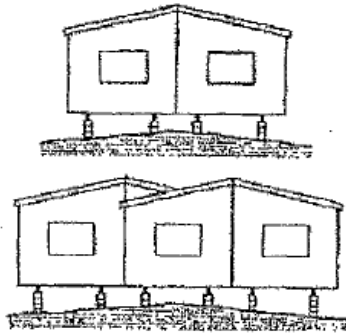
3 The torque test probe is a device for measuring the torque value of soils to assist in evaluating the holding capacity of the soil in which the ground anchor is placed. The shaft must be of suitable length for the full depth of the ground anchor.

4 The torque value is a measure of the load resistance provided by the soil when subject to the turning or twisting force of the probe.

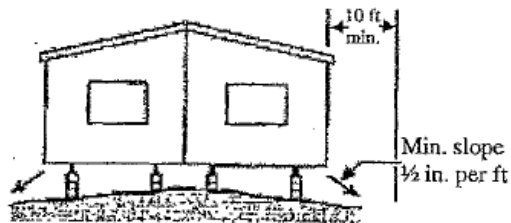
**§ 3285.203 Site Drainage.**

(a) Purpose. Drainage must be provided to direct surface water away from the home to protect against erosion of foundation supports and to prevent water build-up under the home, as shown in Figure to § 3285.203.

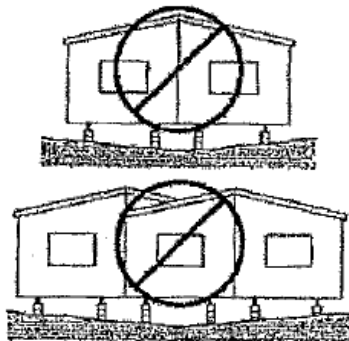
Figure to § 3285.203 - Grading and drainage.



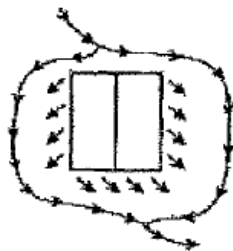
Crown and grade site to slope away from the home



Home sites must be prepared so that there will be no depressions in which surface water may accumulate beneath the home. The area of the site covered by the manufactured home must be graded, sloped, or designed to provide drainage from beneath the home or to the property line.



Do not grade site or set the home so that water collects beneath the home.



Natural drainage must be diverted around and away from the home.

(b) The home site must be graded as shown in Figure to § 3285.203, or other methods, such as a drain tile and automatic sump pump system, must be provided to remove any water that may collect under the home.

(c) All drainage must be diverted away from the home and must slope a minimum of one-half inch per foot away from the foundation for the first ten feet. Where property lines, walls, slopes, or other physical conditions prohibit this slope, the site must be provided with drains or swales or otherwise graded to drain water away from the structure, as shown in Figure to § 3285.203.

(d) Sloped site considerations. The home, where sited, must be protected from surface runoff from the surrounding area.

(e) Refer to § 3285.902 regarding the use of drainage structures to drain surface runoff.

(f) Gutters and downspouts. Manufacturers must specify in their installation instructions whether the home is suitable for the installation of gutters and downspouts. If suitable, the installation instructions must indicate that when gutters and downspouts are installed, the runoff must be directed away from the home.

#### **§ 3285.204 Ground moisture control.**

(a) Vapor retarder. If the space under the home is to be enclosed with skirting or other materials, a vapor retarder must be installed to cover the ground under the home, unless the home is installed in an arid region with dry soil conditions.

(b) Vapor retarder material. A minimum of six mil polyethylene sheeting or its equivalent must be used.

(c) Proper installation.

(1) The entire area under the home must be covered with the vapor retarder, as noted in § 3285.204(a), except for areas under open porches, decks, and recessed entries. Joints in the vapor retarder must be overlapped at least 12 inches.

(2) The vapor retarder may be placed directly beneath footings, or otherwise installed around or over footings placed at grade, and around anchors or other obstructions.

(3) Any voids or tears in the vapor retarder must be repaired. At least one repair method must be provided in the manufacturer's installation instructions.

#### **Subpart D—Foundations**

##### **§ 3285.301 General.**

(a) Foundations for manufactured home installations must be designed and constructed in accordance with this subpart and must be based on site conditions, home design features, and the loads the home was designed to withstand, as shown on the home's data plate.

(b) Foundation systems that are not pier and footing type configurations may be used when verified by engineering data and designed in accordance with § 3285.301(d), consistent with the design loads of the MHCSS. Pier and footing specifications that are different than those provided in this subpart, such as block size, metal piers, section width, loads, and spacing, may be used when verified by engineering data that comply with §§ 3285.301(c) and (d) and are capable of resisting all design loads of the MHCSS.

(c) All foundation details, plans, and test data must be designed and certified by a registered professional engineer or registered architect, and must not take the home out of compliance with the MHCSS. (See 3285.2)

(d) Alternative foundation systems or designs are permitted in accordance with either of the following:

(1) Systems or designs must be manufactured and installed in accordance with their listings by a nationally recognized testing agency, based on a nationally recognized testing protocol; or

(2) System designs must be prepared by a professional engineer or a registered architect or tested and certified by a professional engineer or registered architect in accordance with acceptable engineering practice and must be manufactured and installed so as not to take the home out of compliance with the Manufactured Home Construction and Safety Standards (part 3280 of this chapter).

#### **§ 3285.302 Flood hazard areas.**

In flood hazard areas, foundations, anchorings, and support systems must be capable of resisting loads associated with design flood and wind events or combined wind and flood events, and homes must be installed on foundation supports that are designed and anchored to prevent floatation, collapse, or lateral movement of the structure. Manufacturer's installation instructions must indicate whether:

(a) The foundation specifications have been designed for flood-resistant considerations, and, if so, the conditions of applicability for velocities, depths, or wave action; or

(b) The foundation specifications are not designed to address flood loads.

#### **§ 3285.303 Piers.**

(a) General. The piers used must be capable of transmitting the vertical live and dead loads to the footings or foundation.

(b) Acceptable piers—materials specification.

(1) Piers are permitted to be concrete blocks; pressure-treated wood with a water borne preservative, in accordance with AWPA Standard U1-04 (incorporated by reference, see § 3285.4) for Use Category 4B ground contact applications; or adjustable metal or concrete piers.

(2) Manufactured piers must be listed or labeled for the required vertical load capacity, and, where required by design, for the appropriate horizontal load capacity.

(c) Design requirements.

(1) Load-bearing capacity. The load bearing capacity for each pier must be designed to include consideration for the dimensions of the home, the design dead and live loads, the spacing of the piers, and the way the piers are used to support the home.

(2) Center beam/mating wall support must be required for multi-section homes and designs must be consistent with Tables 2 and 3 to § 3285.303 and Figures A, B, and C to § 3285.310.

(d) Pier loads.

(1) Design support configurations for the pier loads, pier spacing, and roof live loads must be in accordance with Tables 1, 2, and 3 to § 3285.303 and the MHCSS. Other pier designs are permitted in accordance with the provisions of this subpart.

(2) Manufactured piers must be rated at least to the loads required to safely support the dead and live loads, as required by § 3285.301, and the installation instructions for those piers must be consistent with Tables 1, 2, and 3 to this section.

**TABLE 1 TO § 3285.303—FRAME BLOCKING ONLY/PERIMETER SUPPORT NOT REQUIRED EXCEPT AT OPENINGS**

Pier spacing	Roof live load (psf)	Location	Load (lbs.)
4 ft. 0 in.	20	Frame.....	2,900
	30	Frame.....	3,300
	40	Frame.....	3,600
6 ft. 0 in.	20	Frame.....	4,200
	30	Frame.....	4,700
	40	Frame.....	5,200
8 ft. 0 in.	20	Frame.....	5,500
	30	Frame.....	6,200
	40	Frame.....	6,900
10 ft. 0 in.	20	Frame.....	6,800
	30	Frame.....	7,600
	40	Frame.....	8,500

**Notes:**

1. See Table to § 3285.312 for cast-in-place footing design by using the noted loads.

2. Table 1 is based on the following design assumptions: maximum 16 ft. nominal section width (15 ft. actual width), 12" eave, 10" I-beam size, 300 lbs. pier dead load, 10 psf roof dead load, 6 psf floor dead load, 35 plf wall dead load, and 10 plf chassis dead load.

3. Interpolation for other pier spacing is permitted.

4. The pier spacing and loads shown in the above table do not consider flood or seismic loads and are not intended for use in flood or seismic hazard areas. In those areas, the foundation support system is to be designed by a professional engineer or architect.

5. See Table to § 3285.312 for sizing of footings.

**TABLE 2 TO § 3285.303—FRAME PLUS PERIMETER BLOCKING/PERIMETER BLOCKING REQUIRED**

Maximum pier spacing	Roof live load (psf)	Location	Load (lbs.)
4 ft. 0 in.	20	Frame.....	1,400
		Perimeter.....	1,900
		Mating.....	3,200
4 ft. 0 in.	30	Frame.....	1,400
		Perimeter.....	2,300
		Mating.....	3,800
4 ft. 0 in.	40	Frame.....	1,400
		Perimeter.....	2,600
		Mating.....	4,400
6 ft. 0 in.	20	Frame.....	1,900
		Perimeter.....	2,700
		Mating.....	4,700
6 ft. 0 in.	30	Frame.....	1,900
		Perimeter.....	3,200
		Mating.....	5,600
6 ft. 0 in.	40	Frame.....	1,900
		Perimeter.....	3,700
		Mating.....	6,500
8 ft. 0 in.	20	Frame.....	2,400
		Perimeter.....	3,500
		Mating.....	6,100
8 ft. 0 in.	30	Frame.....	2,400
		Perimeter.....	4,200
		Mating.....	7,300
8 ft. 0 in.	40	Frame.....	2,400
		Perimeter.....	4,800
		Mating.....	8,500
10 ft. 0 in.	20	Frame.....	2,900
		Perimeter.....	4,300
		Mating.....	7,600
10 ft. 0 in.	30	Frame.....	2,900
		Perimeter.....	5,100
		Mating.....	9,100
10 ft. 0 in.	40	Frame.....	2,900
		Perimeter.....	6,000
		Mating.....	10,600

Notes:

1. See Table to § 3285.312 for cast-in-place footing design by using the noted loads.
2. Mating wall perimeter piers and footings only required under full height mating walls supporting roof loads. Refer to Figures A and B to § 3285.310.
3. Table 2 is based on the following design assumptions: maximum 16 ft. nominal section width (15 ft. actual width), 12" c/c, 10" I-beam size, 300 lbs. pier dead load, 10 psf roof dead load, 6 psf floor dead load, 35 plf wall dead load, and 10 plf chassis dead load.
4. Interpolation for other pier spacing is permitted.
5. The pier spacing and loads shown in the above table do not consider flood or seismic loads and are not intended for use in flood or seismic hazard areas. In those areas, the foundation support system is to be designed by a professional engineer or architect.
6. See Table to § 3285.312 for sizing of footings.

TABLE 3 TO § 3285.303—RIDGE BEAM SPAN FOOTING CAPACITY

Mating wall opening (ft)	Roof live load (psf)	Pier and footing load (lbs.)
5.....	20	1,200
	30	1,600
	40	1,900
10.....	20	2,300
	30	3,100
	40	3,800
15.....	20	3,500
	30	4,700
	40	5,800
20.....	20	4,700
	30	6,200
	40	7,500
25.....	20	5,800
	30	7,800
	40	9,700
30.....	20	7,000
	30	9,300
	40	11,600
35.....	20	8,100
	30	10,900
	40	13,600

Notes:

1. See Table to § 3285.312 for cast-in-place footing design by using the noted loads.
2. Table 3 is based on the following design assumptions: maximum 16 ft. nominal section width (15 ft. actual width), 10. I-beam size, 300 lbs. pier dead load, 10 psf roof dead load, 6 psf floor dead load, 35 plf wall dead load, and 10 plf chassis dead load.
3. Loads listed are maximum column loads for each section of the manufactured home.
4. Interpolation for maximum allowable pier and column loads is permitted for matchline openings between those shown in the table.
5. The pier spacing and loads shown in the above table do not consider flood or seismic loads and are not intended for use in flood or seismic hazard areas. In those areas, the foundation support system must be designed by a professional engineer or registered architect.
6. See Table to § 3285.312 for sizing of footings.

§ 3285.304 Pier configuration.

(a) Concrete blocks. Installation instructions for concrete block piers must be developed in accordance with the following provisions and must be consistent with Figures A and B to § 3285.306.

- (1) Load-bearing (not decorative) concrete blocks must have nominal dimensions of at least 8 inches  $\times$  8 inches  $\times$  16 inches;
- (2) The concrete blocks must be stacked with their hollow cells aligned vertically; and
- (3) When piers are constructed of blocks stacked side-by-side, each layer must be at right angles to the preceding one, as shown in Figure B to § 3285.306.

(b) Caps.

(1) Structural loads must be evenly distributed across capped-hollow block piers, as shown in Figures A and B to § 3285.306.

(2) Caps must be solid concrete or masonry at least 4 inches in nominal thickness, or hardboard lumber at least 2 inches nominal in thickness; or be corrosion-protected minimum one-half inch thick steel; or be of other listed materials.

(3) All caps must be of the same length and width as the piers on which they rest.

(4) When split caps are used on double-stacked blocks, the caps must be installed with the long dimension across the joint in the blocks below.

(c) Gaps. Any gaps that occur during installation between the bottom of the main chassis beam and foundation support system must be filled by:

(1) Nominal 4 inch  $\times$  6 inch  $\times$  1 inch shims to level the home and fill any gaps between the base of the main chassis beam and the top of the pier cap;

(2) Shims must be used in pairs, as shown in Figures A and B to § 3285.306, and must be driven in tightly so that they do not occupy more than one inch of vertical height; and

(3) Hardwood plates no thicker than 2 inches nominal in thickness or 2 inch or 4 inch nominal concrete block must be used to fill in any remaining vertical gaps.

(d) Manufactured pier heights. Manufactured pier heights must be selected so that the adjustable risers do not extend more than 2 inches when finally positioned.



**§ 3285.305 Clearance under homes.**

A minimum clearance of 12 inches must be maintained between the lowest member of the main frame (I-beam or channel beam) and the grade under all areas of the home.

**§ 3285.306 Design procedures for concrete block piers.**

(a) Frame piers less than 36 inches high.

(1) Frame piers less than 36 inches high are permitted to be constructed of single, open, or closed-cell concrete blocks, 8 inches " 8 inches " 16 inches, when the design capacity of the block is not exceeded.

(2) The frame piers must be installed so that the long sides are at right angles to the supported I-beam, as shown in Figure A to this section.

(3) The concrete blocks must be stacked with their hollow cells aligned vertically and must be positioned at right angles to the footings.

(4) Horizontal offsets from the top to the bottom of the pier must not exceed one-half inch.

(5) Mortar is not required, unless specified in the installation instructions or required by a registered professional engineer or registered architect.

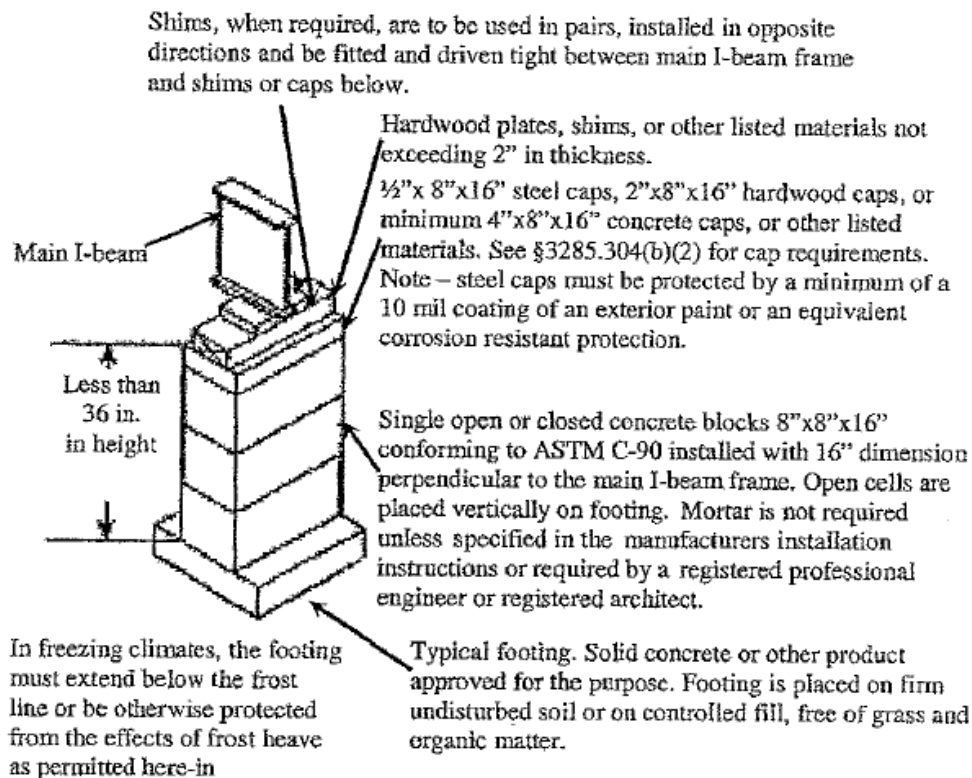
(b) Frame piers 36 inches to 67 inches high and corner piers.

(1) All frame piers between 36 inches and 67 inches high and all corner piers over three blocks high must be constructed out of double, interlocked concrete blocks, as shown in Figure B to this section, when the design capacity of the block is not exceeded. Mortar is not required for concrete block piers, unless otherwise specified in the installation instructions or required by a professional engineer or registered architect.

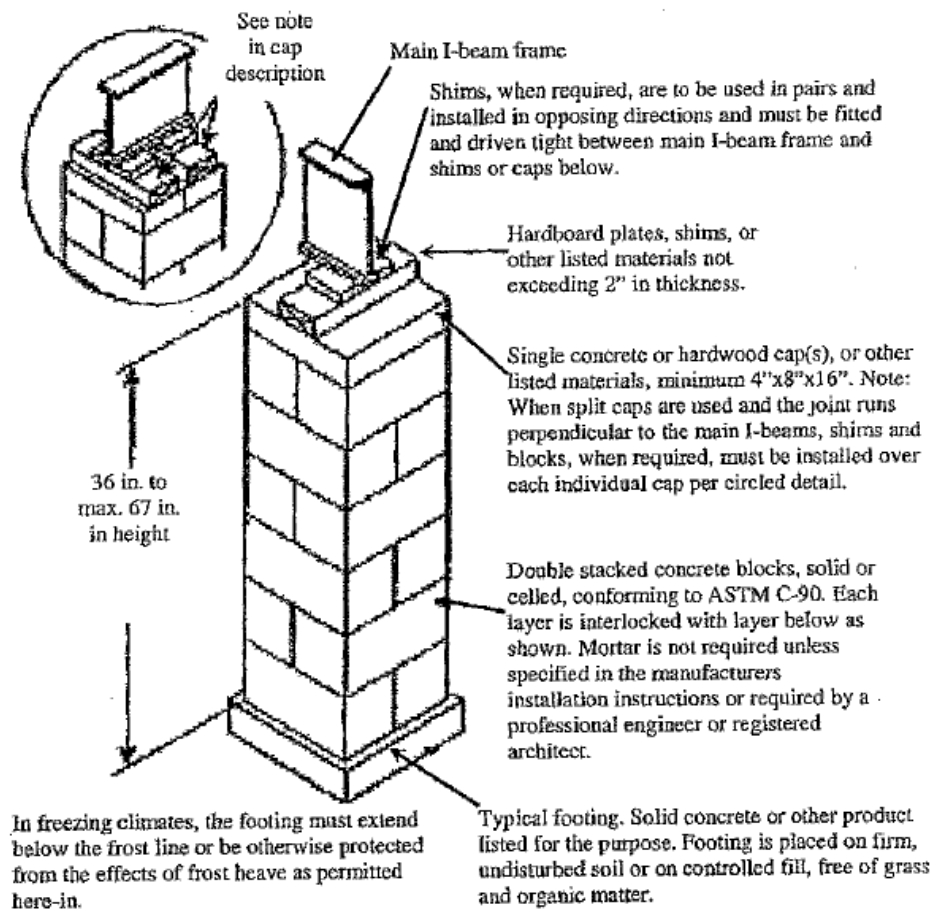
(2) Horizontal offsets from the top to the bottom of the pier must not exceed one inch.

(c) All piers over 67 inches high. Piers over 67 inches high must be designed by a registered professional engineer or registered architect, in accordance with acceptable engineering practice. Mortar is not required for concrete block piers, unless otherwise specified in the manufacturer installation instructions or by the design.

**Figure A to § 3285.306 Typical Footing and Pier Design, Single Concrete Block.**



**Figure B to 3285.306(b) Typical Footing and Pier Installation, Double Concrete Block.**



#### § 3285.307 Perimeter support piers.

(a) Piers required at mate-line supports, perimeter piers, and piers at exterior wall openings are permitted to be constructed of single open-cell or closed-cell concrete blocks, with nominal dimensions of 8 inches × 8 inches × 16 inches, to a maximum height of 54 inches, as shown in Figure A to this section, when the design capacity of the block is not exceeded.

(b) Piers used for perimeter support must be installed with the long dimension parallel to the perimeter rail.

#### § 3285.308 Manufactured piers.

(a) Manufactured piers must be listed and labeled and installed to the pier manufacturer's installation instructions. See § 3285.303(d)(2) for additional requirements.

(b) Metal or other manufactured piers must be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of .30 oz./ft.2 of surface coated.

**§ 3285.309 [Reserved]**

**§ 3285.310 Pier location and spacing.**

(a) The location and spacing of piers depends upon the dimensions of the home, the live and dead loads, the type of construction (single-or multi-section), I-beam size, soil bearing capacity, footing size, and such other factors as the location of doors or other openings.

**§ 3285.309 [Reserved]**

**§ 3285.310 Pier location and spacing.**

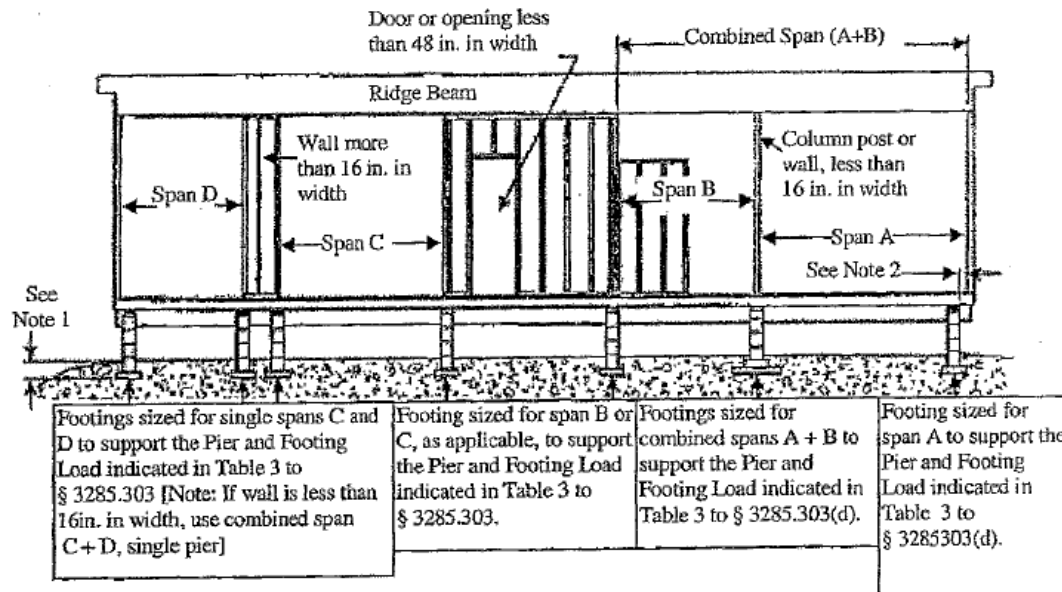
(a) The location and spacing of piers depends upon the dimensions of the home, the live and dead loads, the type of construction (single-or multi-section), I-beam size, soil bearing capacity, footing size, and such other factors as the location of doors or other openings.

(b) Mate-line and column pier supports must be in accordance with this subpart and consistent with Figures A through C to this section, unless the pier support and footing configuration is designed by a registered professional engineer or registered architect.

(c) Piers supporting the frame must be no more than 24 inches from both ends and not more than 120 inches center to center under the main rails.

(d) Pier support locations. Pier support locations and spacing must be presented to be consistent with Figures A and B to § 3285.312, as applicable, unless alternative designs are provided by a professional engineer or registered architect in accordance with acceptable engineering practice.

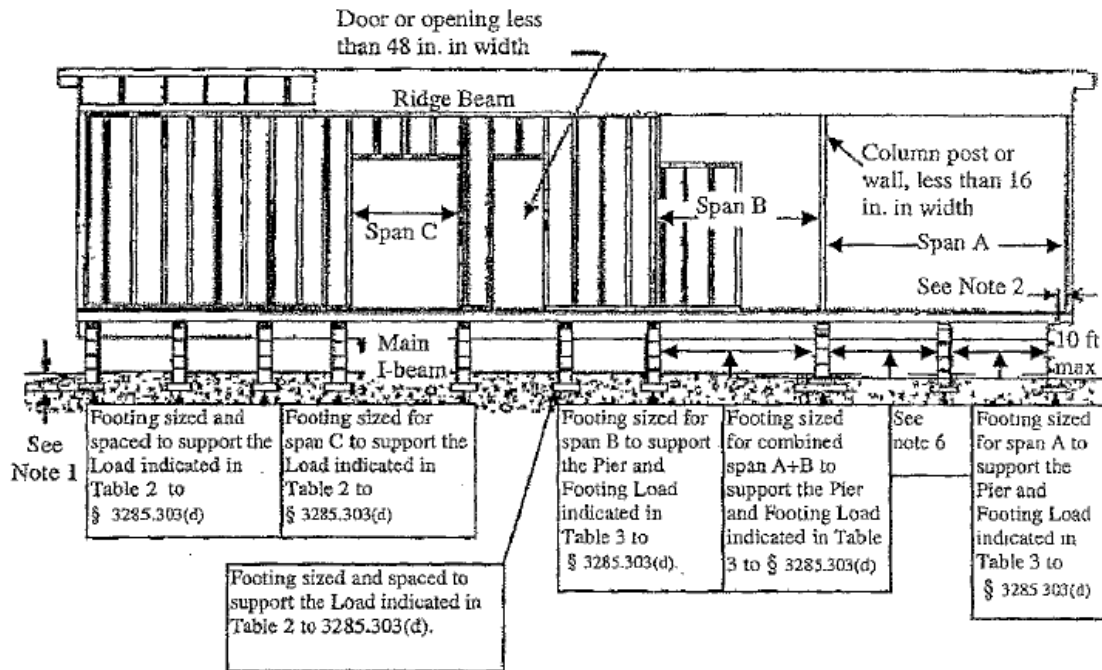
Figure A to § 3285.310 Typical Mate-Line Column Pier and Mating Wall Support when Frame Only Blocking is Required.



Notes:

1. Bottom of footings must extend below frost line depth, unless designed for placement above the frost line. (Sec § 3285.312(b)).
2. Piers may be offset up to 6 in. in either direction along the supported members to allow for plumbing, electrical, mechanical, equipment, crawlspaces, or other devices.
3. Single-stack concrete block pier loads must not exceed 8,000 lbs.
4. Prefabricated piers must not exceed their approved or listed maximum vertical or horizontal design loads.
5. When a full-height mating wall does not support the ridge beam, this area is considered an unsupported span—Span B.
6. Piers are not required at openings in the mating wall that are less than 48 inches in width. Place piers on both sides of mating wall openings that are 48 inches or greater in width. For roof loads of 40 psf or greater, a professional engineer or registered architect must determine the maximum mating wall opening permitted without pier or other supports.

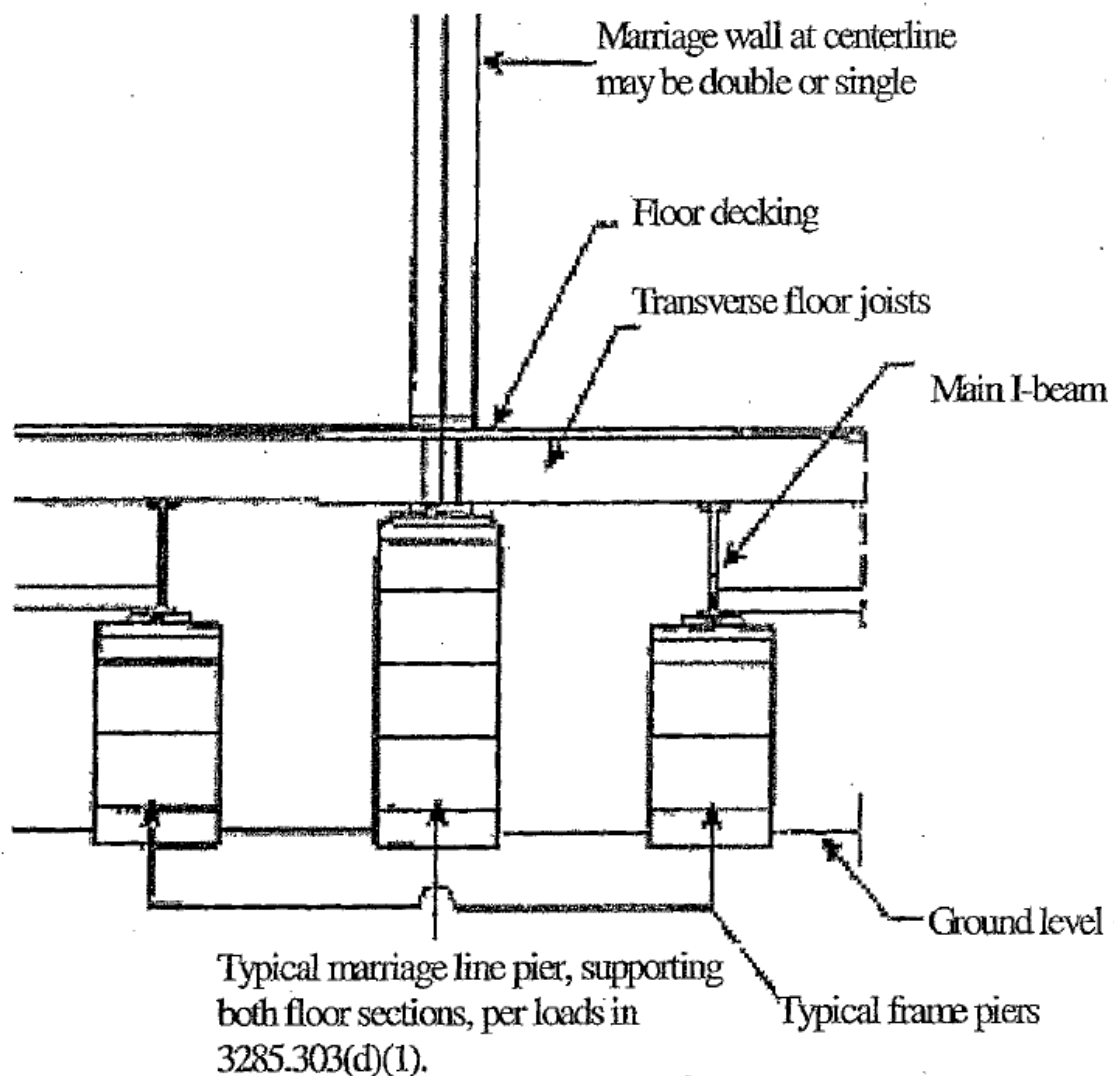
Figure B to § 3285.310(b) Typical Mate-Line Column Pier and Mating Wall Support When Perimeter Blocking is Required.



Notes:

1. Bottom of footings must be below the frost line depth, unless designed for placement above the frost line. (See § 3285.312(b)).
2. Piers may be offset 6 in. in either direction along supported members to allow for plumbing electrical, mechanical equipment, crawlspaces, or other devices.
3. Single stack concrete block pier loads must not exceed 8,000 lbs.
4. Piers are not required at openings in the mating wall that are less than 48 inches in width. Place piers on both sides of mating wall openings that are 48 inches or greater in width. For roof loads of 40 psf or greater, a professional engineer or registered architect must determine the maximum mating wall opening permitted without pier or other supports.
5. When a full-height mating wall does not support the ridge beam, this area is considered an unsupported span—Span B.
6. In areas where the open span is greater than 10 ft., intermediate piers and footings must be placed at maximum 10 ft. on center.
7. Prefabricated piers must not exceed their approved or listed maximum horizontal or vertical design loads.
8. Column piers are in addition to piers required under full-height mating walls.

Figure C to § 3285.310 Typical Mate-Line Column and Piers.



Notes:

1. Mate-line column support piers are installed with the long dimension of the concrete block perpendicular to the rim joists.
2. Pier and footing designed to support both floor sections. Loads as listed in Table 3 to § 3285.303 are total column loads for both sections.

### § 3285.311 Required perimeter supports.

(a) Perimeter pier or other supports must be located as follows:

(1) On both sides of side wall exterior doors (such as entry, patio, and sliding glass doors) and any other side wall openings of 48 inches or greater in width, and under load-bearing porch posts, factory installed fireplaces, and fireplace stoves).

(2) Other perimeter supports must be:

(i) Located in accordance with Table 2 to § 3285.303; or

(ii) Provided by other means such as additional outriggers or floor joists. When this alternative is used, the designs required by § 3285.301 must consider the additional loads in sizing the pier and footing supports under the main chassis beam.

(b) For roof live loads of 40 psf or greater, a professional engineer or architect must determine the maximum sidewall opening permitted without perimeter pier or other supports.

(c) The location and installation of any perimeter pier support must not take the home out of compliance with the Manufactured Home Construction and Safety Standards (part 3280 of this chapter).

### § 3285.312 Footings.

(a) Materials approved for footings must provide equal load-bearing capacity and resistance to decay, as required by this section. Footings must be placed on undisturbed soil or fill compacted to 90 percent of maximum relative density. A footing must support every pier. Footings are to be either:

(1) Concrete.

(i) Four inch nominal precast concrete pads meeting or exceeding ASTM C 90-02a, Standard Specification for Loadbearing Concrete Masonry Units (incorporated by reference, see § 3285.4), without reinforcement, with at least a 28-day compressive strength of 1,200 pounds per square inch (psi); or

(ii) Six inch minimum poured-in-place concrete pads, slabs, or ribbons with at least a 28-day compressive strength of 3,000 pounds per square inch (psi). Site-specific soil conditions or design load requirements may also require the use of reinforcing steel in cast-in-place concrete footings.

(2) Pressure-treated wood.

(i) Pressure-treated wood footings must consist of a minimum of two layers of nominal 2-inch thick pressure-treated wood, a single layer of nominal 3/4-inch thick, pressure-treated plywood with a maximum size of 16 inches by 16 inches, or at least two layers of 3/4-inch thick, pressure-treated plywood for sizes greater than 16 inches by 16 inches. Plywood used for this purpose is to be rated exposure 1 or exterior sheathing, in accordance with PS1-95, Construction and Industrial Plywood (incorporated by reference, see § 3285.4).

(ii) Pressure treated lumber is to be treated with a water-borne adhesive, in accordance with AWWA Standard U1-04 (incorporated by reference, see § 3285.4) for Use Category 4B ground contact applications.

(iii) Cut ends of pressure treated lumber must be field-treated, in accordance with AWWA Standard M4-02 (incorporated by reference, see § 3285.4).

(3) ABS footing pads.



(i) ABS footing pads are permitted, provided they are installed in accordance with the pad manufacturer installation instructions and certified for use in the soil classification at the site.

(ii) ABS footing pads must be listed or labeled for the required load capacity.

(4) Other Materials. Footings may be of other materials than those identified in this section, provided they are listed for such use and meet all other applicable requirements of this subpart.

(b) Placement in freezing climates. Footings placed in freezing climates must be designed using methods and practices that prevent the effects of frost heave by one of the following methods:

(1) Conventional footings. Conventional footings must be placed below the frost line depth for the site unless an insulated foundation or monolithic slab is used (refer to §§ 3285.312(b)(2) and 3285.312(b)(3)). When the frost line depth is not available from the LAHJ, a registered professional engineer, registered architect, or registered geologist must be consulted to determine the required frost line depth for the manufactured home site. This is not subject to the provisions in § 3285.2(c) that also require review by the manufacturer and approval by its DAPIA for any variations to the manufacturer's installation instructions for support and anchoring.

(2) Monolithic slab systems. A monolithic slab is permitted above the frost line when all relevant site-specific conditions, including soil characteristics, site preparation, ventilation, and insulative properties of the under floor enclosure, are considered and anchorage requirements are accommodated as set out in § 3285.401. The monolithic slab system must be designed by a registered professional engineer or registered architect:

(i) In accordance with acceptable engineering practice to prevent the effects of frost heave; or

(ii) In accordance with SEI/ASCE 32-01 (incorporated by reference, see § 3285.4).

(3) Insulated foundations. An insulated foundation is permitted above the frost line, when all relevant site-specific conditions, including soil characteristics, site preparation, ventilation, and insulative properties of the under floor enclosure, are considered, and the foundation is designed by a registered professional engineer or registered architect:

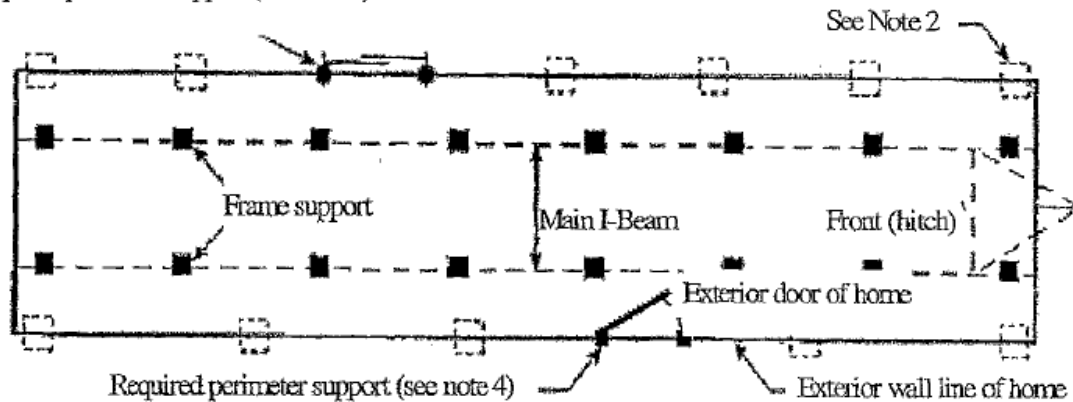
(i) In accordance with acceptable engineering practice to prevent the effects of frost heave; or

(ii) In accordance with SEI/ASCE 32-01 (incorporated by reference, see § 3285.4).

(c) Sizing of footings. The sizing and layout of footings depends on the load-bearing capacity of the soil, footings, and the piers. See §§ 3285.202 and 3285.303, and Table to 3285.312.

Figure A to § 3285.312 Typical Blocking Diagram for Single Section Homes

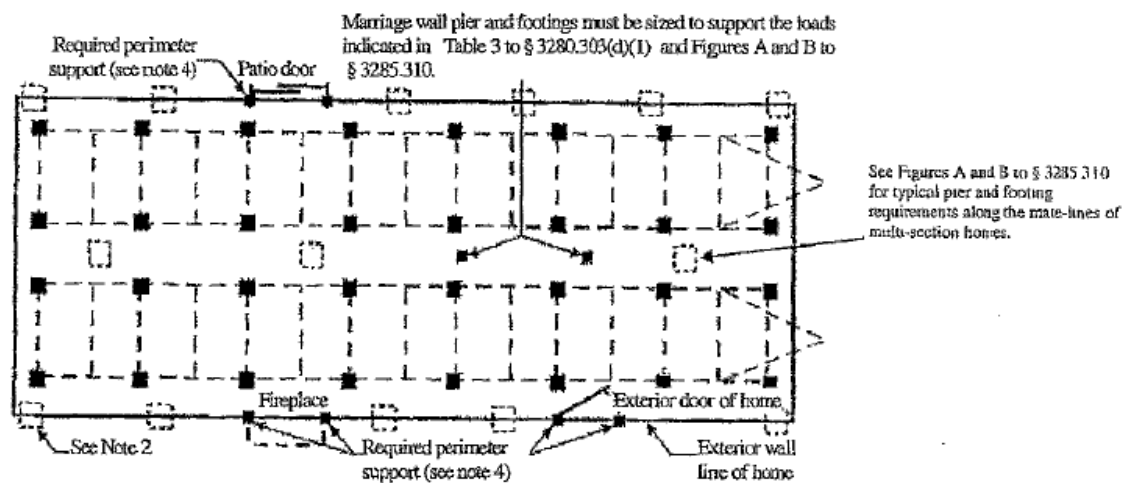
Required perimeter support (see note 4)



Notes:

1. Refer to Table 1 of § 3285.303 for pier and footing requirements when frame blocking only is used.
2. In addition to blocking required by § 3285.311, see Table 2 to § 3285.303 for maximum perimeter blocking loads.
3. End piers under main I-beams may be exterior doors, patio doors, and sliding glass set back a maximum of 24 inches, as measured from the outside edge of the floor to the center of the pier.
4. Place piers on both sides of sidewall exterior doors, patio doors, and sliding glass doors; under porch posts, factory-installed fireplaces, and fireplace stoves; under jamb studs at multiple window openings; and at any other sidewall openings 48 inches or greater in width. For roof loads of 40 psf or greater, a professional engineer or registered architect must determine the maximum sidewall opening permitted without perimeter supports. See §§ 3285.307 and 3285.311 for additional requirements and for locating perimeter supports.

Figure B to § 3285.312 Typical Blocking Diagram for Multi-section Home.



Notes:

1. Refer to Table 1 to § 3285.303 for pier and footing requirements when frame blocking only is used.
2. In addition to blocking required by § 3285.311, see Tables 2 and 3 to § 3285.303 for maximum perimeter blocking loads.
3. End piers under main I-beams may be set back a maximum of 24 inches, as measured from the outside edge of the floor to the center of the pier.
4. Place piers on both sides of sidewall exterior doors, patio doors, and sliding glass doors; under porch posts, factory-installed fireplaces, and fireplace stoves; under jamb studs at multiple window openings; and at any other sidewall openings of 48 inches or greater in width. For roof loads of 40 psf or greater, a professional engineer or registered architect must determine the maximum side wall opening permitted without perimeter supports or mating wall opening permitted without pier or other supports. See §§ 3285.307 and 3285.311 for additional information on requirements and for locating perimeter supports.
5. When an end pier under the mate-line also serves as a column pier, it may be set back a maximum of 6 in., as measured from the inside edge of the exterior wall to the center of the pier.

**TABLE TO § 3285.312.—THE SIZE AND CAPACITY FOR UNREINFORCED CAST-IN-PLACE FOOTINGS**

Soil capacity (psf)	Minimum footing size (in.)	8 in. x 16 in. pier		16 in. x 16 in. pier	
		Maximum footing capacity (lbs.)	Unreinforced cast-in-place minimum thickness (in.)	Maximum footing capacity (lbs.)	Unreinforced cast-in-place minimum thickness (in.)
1,000.....	16 x 16	1,600	6	1,600	6
	20 x 20	2,600	6	2,600	6
	24 x 24	3,700	6	3,700	6
	30 x 30	5,600	8	5,800	6
	36 x 36	7,900	10	8,100	8
	42 x 42	*10,700	10	10,700	10
	48 x 48	*13,100	12	13,600	10
1,500.....	16 x 16	2,500	6	2,500	6
	20 x 20	4,000	6	4,000	6
	24 x 24	5,600	8	5,700	6
	30 x 30	*8,500	10	8,900	8
	36 x 36	*12,400	10	12,600	8
	42 x 42	*16,500	12	*16,800	10
	48 x 48	*21,200	14	*21,600	12
2,000.....	16 x 16	3,400	6	3,400	6
	20 x 20	5,300	6	5,300	6
	24 x 24	7,600	8	7,700	6
	30 x 30	*11,700	10	11,900	8
	36 x 36	*16,700	15	*16,900	10
	42 x 42	*21,700	18	*22,700	12
	48 x 48				
2,500.....	16 x 16	4,300	6	4,300	6
	20 x 20	6,700	6	6,700	6
	24 x 24	*9,600	8	9,700	6
	30 x 30	*14,800	10	15,000	8
	36 x 36	*20,700	12	*21,400	10
	42 x 42				
	48 x 48				
3,000.....	16 x 16	5,200	6	5,200	6
	20 x 20	8,100	8	8,100	6
	24 x 24	*11,500	10	11,700	6
	30 x 30	*17,800	12	*18,100	8
	36 x 36				

4,000.....	36 x 36	<sup>4</sup> 25,400	14	<sup>4</sup> 25,900	10
	16 x 16	7,000	6	7,000	6
	20 x 20	<sup>4</sup> 10,800	8	10,900	6
	24 x 24	<sup>4</sup> 15,500	10	15,600	8
	30 x 30	<sup>4</sup> 23,300	12	<sup>4</sup> 24,200	10

**Notes:**

1. The footing sizes shown are for square pads and are based on the area (in.2), shear and bending required for the loads shown. Other configurations, such as rectangular or circular configurations, can be used, provided the area and depth is equal to or greater than the area and depth of the square footing shown in the table, and the distance from the edge of the pier to the edge of the footing is not less than the thickness of the footing.
2. The 6 in. cast-in-place values can be used for 4 in. unreinforced precast concrete footings.
3. The capacity values listed have been reduced by the dead load of the concrete footing.
4. Concrete block piers must not exceed their design capacity of 8,000 lbs. for 8. x 16. single stack block and 16,000 lbs. for 16. x 16. double stack block.
5. A registered professional engineer or registered architect must prepare the design, if the design loads exceed the capacity for single or double stack concrete block piers shown in footnote 4.

**§ 3285.313 Combination systems.**

Support systems that combine both load-bearing capacity and uplift resistance must also be sized and designed for all applicable design loads.

**§ 3285.314 [Reserved]**

**§ 3285.315 Special snow load conditions.**

(a) General. Foundations for homes designed for and located in areas with roof live loads greater than 40 psf must be designed by the manufacturer for the special snow load conditions, in accordance with acceptable engineering practice. Where site or other conditions prohibit the use of the manufacturer's instructions, a registered professional engineer or registered architect must design the foundation for the special snow load conditions.

(b) Ramadas. Ramadas may be used in areas with roof live loads greater than 40 psf. Ramadas are to be self-supporting, except that any connection to the home must be for weatherproofing only.

**Subpart E—Anchorage Against Wind**

**§ 3285.401 Anchoring instructions.**

(a) After blocking and leveling, the manufactured home must be secured against the wind by use of anchor assembly type installations or by connecting the home to an alternative foundation system. See § 3285.301.

(b) For anchor assembly type installations, the installation instructions must require the home to be

secured against the wind, as described in this section. The installation instructions and design for anchor type assemblies must be prepared by a registered professional engineer or registered architect, in accordance with acceptable engineering practice, the design loads of the MHCSS, and § 3285.301(d).

(c) All anchoring and foundation systems must be capable of meeting the loads that the home was designed to withstand required by part 3280, subpart D of this chapter, as shown on the home's data plate. Exception: Manufactured homes that are installed in less restrictive roof load zone and wind zone areas may have foundation or anchorage systems that are capable of meeting the lower design load provisions of the Standards, if the design for the lower requirements is either provided in the installation instructions or the foundation and anchorage system is designed by a professional engineer or registered architect.

(d) The installation instructions are to include at least the following information and details for anchor assembly-type installations:

- (1) The maximum spacing for installing diagonal ties and any required vertical ties or straps to ground anchors;
- (2) The minimum and maximum angles or dimensions for installing diagonal ties or straps to ground anchors and the main chassis members of the manufactured home;
- (3) Requirements for connecting the diagonal ties to the main chassis members of the manufactured home. If the diagonal ties are attached to the bottom flange of the main chassis beam, the frame must be designed to prevent rotation of the beam;
- (4) Requirements for longitudinal and mating wall tie-downs and anchorage;
- (5) The method of strap attachment to the main chassis member and ground anchor, including provisions for swivel-type connections;
- (6) The methods for protecting vertical and diagonal strapping at sharp corners by use of radius clips or other means; and
- (7) As applicable, the requirements for sizing and installation of stabilizer plates.

#### **§ 3285.402 Ground anchor installations.**

(a) Ground anchor certification and testing. Each ground anchor must be manufactured and provided with installation instructions, in accordance with its listing or certification. A nationally recognized testing agency must list, or a registered professional engineer or registered architect must certify, the ground anchor for use in a classified soil (refer to § 3285.202), based on a nationally recognized testing protocol, or a professional engineer or registered architect must certify that the ground anchor is capable of resisting all loads in paragraph (b) of this section for the soil type or classification.

(b) Specifications for tie-down straps and ground anchors.

(1) Ground anchors. Ground anchors must be installed in accordance with their listing or certification, be installed to their full depth, be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz./ft.<sup>2</sup> of surface coated, and be capable of resisting a minimum ultimate load of 4,725 lbs. and a working load of 3,150 lbs., as installed, unless reduced capacities are noted in accordance with note 11 of Table 1 to this section or note 12 of Tables 2 and 3 to this section. The ultimate load and working load of ground anchors and anchoring equipment must be determined by

a registered professional engineer, registered architect, or tested by a nationally recognized third-party testing agency in accordance with a nationally recognized testing protocol.

(2) Tie-down straps. A 1 1/4 inch x 0.035 inch or larger steel strapping conforming to ASTM D 3953—97, Standard Specification for Strapping, Flat Steel and Seals (incorporated by reference, see § 3285.4), Type 1, Grade 1, Finish B, with a minimum total capacity of 4,725 pounds (lbs.) and a working capacity of 3,150 pounds (lbs.) must be used. The tie-down straps must be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz./ft.2 of surface coated. Slit or cut edges of coated strapping need not be zinc coated.

(c) Number and location of ground anchors.

(1) Ground anchor and anchor strap spacing must be:

(i) No greater than the spacing shown in Tables 1 through 3 to this section and Figures A and B to this section; or

(ii) Designed by a registered engineer or architect, in accordance with acceptable engineering practice and the requirements of the MHCSS for any conditions that are outside the parameters and applicability of the Tables 1 through 3 to this section.

(2) The requirements in paragraph (c) of this section must be used to determine the maximum spacing of ground anchors and their accompanying anchor straps, based on the soil classification determined in accordance with § 3285.202:

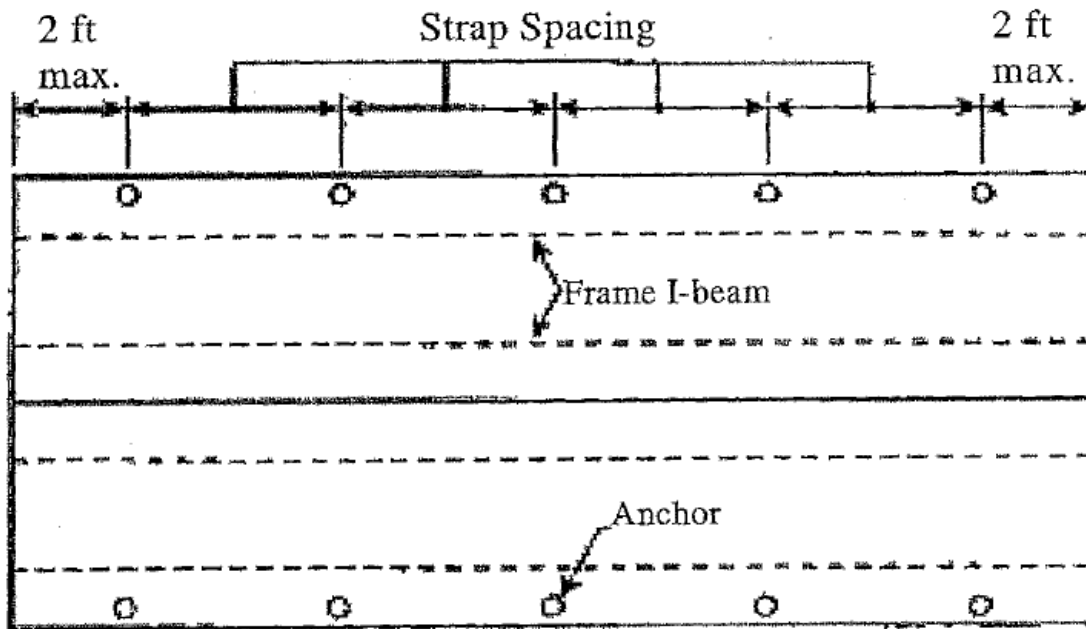
(i) The installed ground anchor type and size (length) must be listed for use in the soil class at the site and for the minimum and maximum angle permitted between the diagonal strap and the ground; and

(ii) All ground anchors must be installed in accordance with their listing or certification and the ground anchor manufacturer installation instructions; and

(iii) If required by the ground anchor listing or certification, the correct size and type of stabilizer plate is installed. If metal stabilizer plates are used, they must be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz./ft.2 of surface coated. Alternatively, ABS stabilizer plates may be used when listed and certified for such use.

(3) Longitudinal anchoring. Manufactured homes must also be stabilized against wind in the longitudinal direction in all Wind ones. Manufactured homes located in Wind Zones II and III must have longitudinal ground anchors installed on the ends of the manufactured home transportable section(s) or be provided with alternative systems that are capable of resisting wind forces in the longitudinal direction. See Figure C to § 3285.402 for an example of one method that may be used to provide longitudinal anchoring. A professional engineer or registered architect must certify the longitudinal anchoring method or any alternative system used as adequate to provide the required stabilization, in accordance with acceptable engineering practice.

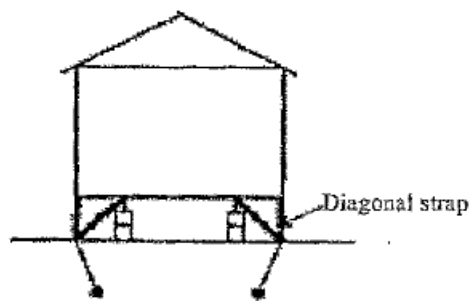
Figure A to § 3285.402 Ground Anchor Locations and Spacing – Plan View.



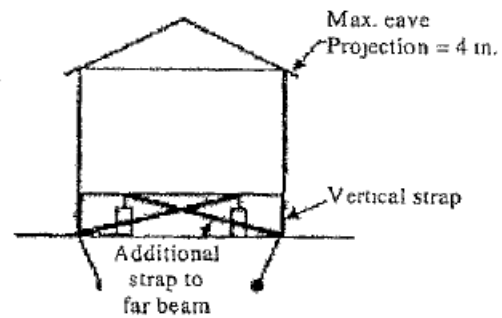
Notes:

1. Refer to Tables 1, 2, and 3 to this section for maximum ground anchor spacing.
2. Longitudinal anchors not shown for clarity; refer to 3285.402(b)(2) for longitudinal anchoring requirements.

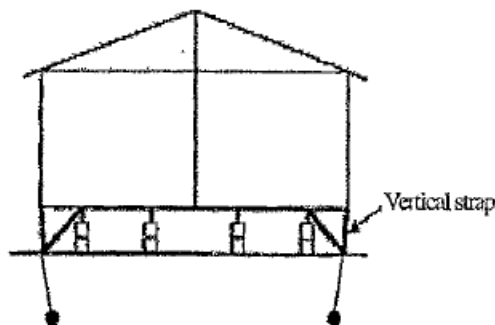
Figure B to § 3285.402 Anchor Strap and Pier Relationship.



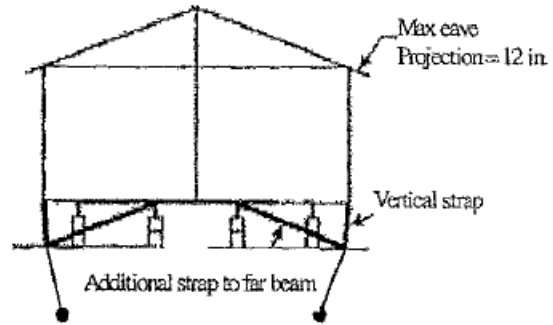
Near Beam Method



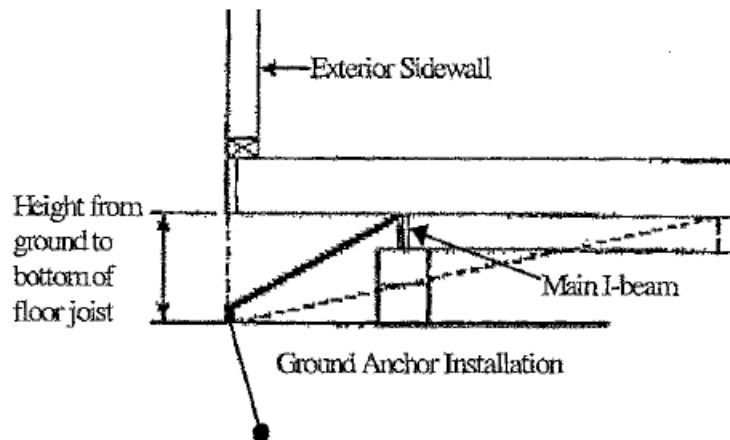
Second Beam Method  
(Vertical tie down straps required)



Near Beam Method  
(Mate-line piers and anchors omitted for clarity)



Second Beam Method  
(Mate-line piers and anchors omitted for clarity)

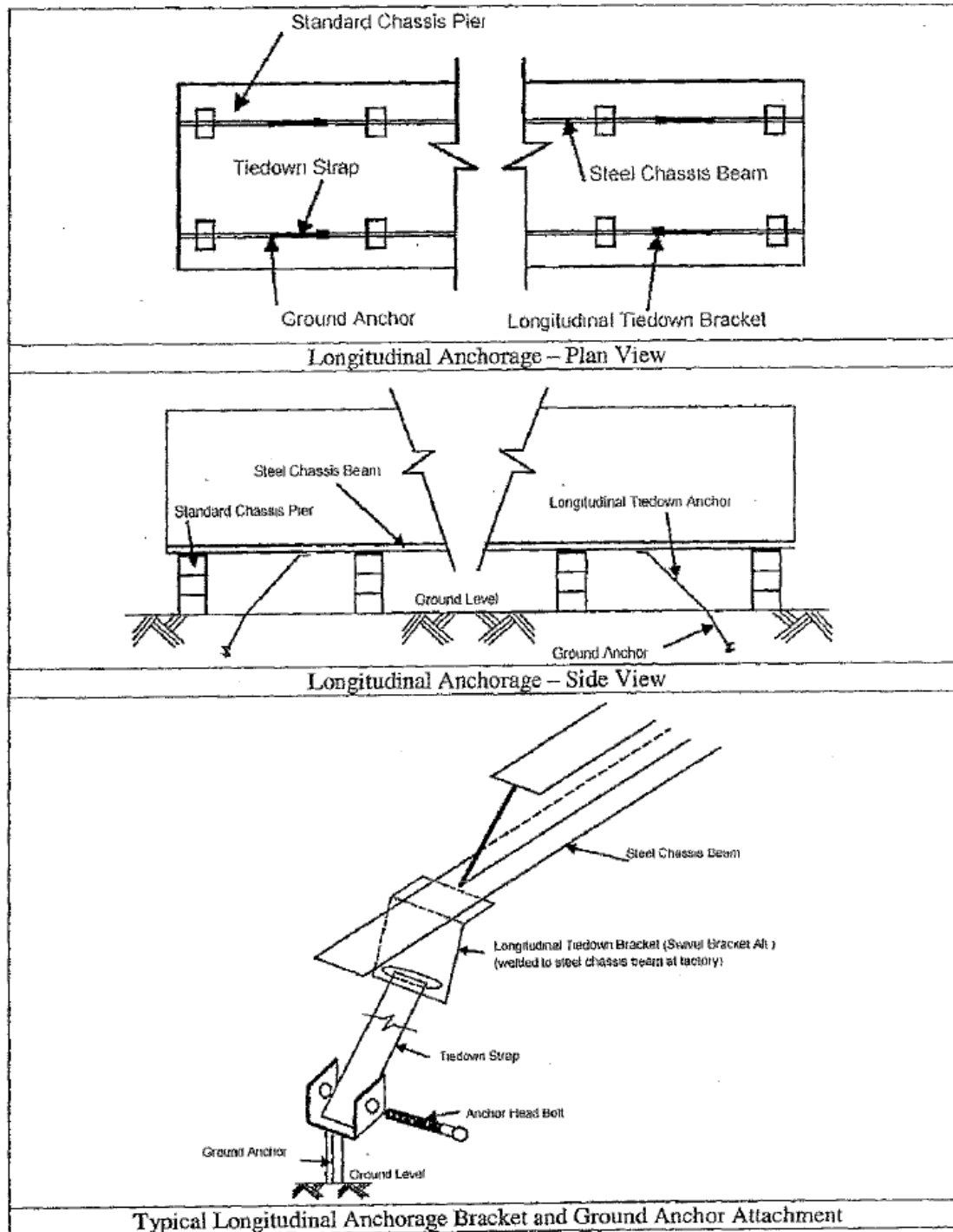


Notes:

1. Vertical Straps are not required in Wind Zone I.
2. The frame must be designed to prevent rotation of the main chassis beam, when the diagonal ties are not attached to the top flange of the beam. See § 3285.401(d)(3).



Figure C to § 3285.402 Longitudinal Anchoring



**TABLE 1 TO § 3285.402.—MAXIMUM DIAGONAL TIE-DOWN STRAP SPACING, WIND ZONE I**

Nominal floor width, single section/multi-section	Max. height from ground to diagonal strap attachment	I-beam spacing 82.5 in.	I-beam spacing 99.5 in.
12/24 ft. 144 in. nominal section(s).....	25 in.....	14 ft. 2 in.....	N/A.
	33 in.....	11 ft. 9 in.....	N/A.
	46 in.....	9 ft. 1 in.....	N/A.
	67 in.....	N/A.....	N/A.
14/28 ft. 168 in. nominal section(s).....	25 in.....	18 ft. 2 in.....	15 ft. 11 in.
	33 in.....	16 ft. 1 in.....	13 ft. 6 in.
	46 in.....	13 ft. 3 in.....	10 ft. 8 in.
	67 in.....	10 ft. 0 in.....	N/A.
16/32 ft. 180 in. to 192 in. nominal section.....	25 in.....	N/A.....	19 ft. 5 in.
	33 in.....	19 ft. 0 in.....	17 ft. 5 in.
	46 in.....	16 ft. 5 in.....	14 ft. 7 in.
	67 in.....	13 ft. 1 in.....	11 ft. 3 in.

**Notes:**

1. Table is based on maximum 90 in. sidewall height.
2. Table is based on maximum 4 in. inset for ground anchor head from edge of floor or wall.
3. Table is based on main rail (I-beam) spacing per given column.
4. Table is based on maximum 4 in. eave width for single-section homes and maximum 12 in. for multi-section homes.
5. Table is based on maximum 20-degree roof pitch (4.3/12).
6. Table is based upon the minimum height between the ground and the bottom of the floor joist being 18 inches. Interpolation may be required for other heights from ground to strap attachment.
7. Additional tie-downs may be required per the home manufacturer instructions.
8. Ground anchors must be certified for these conditions by a professional engineer, architect, or listed by a nationally recognized testing laboratory.
9. Ground anchors must be installed to their full depth, and stabilizer plates, if required by the ground anchor listing or certification, must also be installed in accordance with the listing or certification and in accordance with the ground anchor and home manufacturer instructions.
10. Strapping and anchoring equipment must be certified by a registered professional engineer or registered architect, or listed by a nationally recognized testing agency to resist these specified forces, in accordance with testing procedures in ASTM D 3953-97, Standard Specification for Strapping, Flat Steel and Seals (incorporated by reference, see § 3285.4).
11. A reduced ground anchor or strap working load capacity will require reduced tie-down strap and anchor spacing.
12. Ground anchors must not be spaced closer than the minimum spacing permitted by the listing or certification.
13. Table is based on a 3,150 lbs. working load capacity, and straps must be placed within 2 ft. of the ends of the home.
14. Table is based on a minimum angle of 30 degrees and a maximum angle of 60 degrees between the diagonal strap and the ground.
15. Table does not consider flood or seismic loads and is not intended for use in flood or seismic hazard areas. In those areas, the anchorage system is to be designed by a professional engineer or architect.

**TABLE 2 TO § 3285.402—MAXIMUM DIAGONAL TIE-DOWN STRAP SPACING, WIND ZONE II.**

Nominal floor width, single section/multi- section	Max. height from ground to diagonal strap attachment	Near beam method I— beam spacing		Second beam method I— beam spacing	
		82.5 in.	99.5 in.	82.5 in.	99.5 in.
12 ft/24 ft. 144 in. nominal section(s).	25 in.....	6 ft. 2 in..	4 ft. 3 in..	N/A.....	N/A
	33 in.....	5 ft. 2 in..	N/A.....	N/A.....	N/A
	46 in.....	4 ft. 0 in	N/A.....	N/A..... 6	N/A
	67 in.....	N/A	N/A.....	ft 1 in..	6 ft 3 in
14 ft/28 ft. 168 in. nominal section(s).	25 in.....	7 ft. 7 in	6 ft. 9 in..	N/A	N/A
	33 in.....	6 ft. 10 in 5	5 ft. 9 in	N/A	N/A
	46 in.....	ft. 7 in	4 ft. 6 in	N/A	N/A
	67 in.....	4 ft. 3 in	N/A	N/A	N/A
16 ft/32 ft. 180 in. to 192 in. nominal section(s).	25 in.....	N/A	7 ft. 10 in	N/A	N/A
	33 in.....	7 ft. 6 in	7 ft. 2 in	N/A	N/A
	46 in.....	6 ft. 9 in	6 ft. 0 in	N/A	N/A
	67 in.....	5 ft. 4 in	4 ft. 7 in	N/A	N/A

**Notes:**

1. Table is based on maximum 90 in. sidewall height.
2. Table is based on maximum 4 in. inset for ground anchor head from edge of floor or wall.
3. Tables are based on main rail (I-beam) spacing per given column.
4. Table is based on maximum 4 in. eave width for single-section homes and maximum 12 in. for multi-section homes.
5. Table is based on maximum 20-degree roof pitch (4.3/12).
6. All manufactured homes designed to be located in Wind Zone II must have a vertical tie installed at each diagonal tie location.
7. Table is based upon the minimum height between the ground and the bottom of the floor joist being 18 inches. Interpolation may be required for other heights from ground to strap attachment.
8. Additional tie downs may be required per the home manufacturer instructions.
9. Ground anchors must be certified by a professional engineer, or registered architect, or listed by a nationally recognized testing laboratory.
10. Ground anchors must be installed to their full depth, and stabilizer plates, if required by the ground anchor listing or certification, must also be installed in accordance with the listing or certification and in accordance with the ground anchor and home manufacturer instructions.
11. Strapping and anchoring equipment must be certified by a registered professional engineer or registered architect or must be listed by a nationally recognized testing agency to resist these specified forces, in accordance with testing procedures in ASTM D 3953—97, Standard Specification for Strapping, Flat Steel and Seals (incorporated by reference, see § 3285.4).
12. A reduced ground anchor or strap working load capacity will require reduced tie-down strap and anchor spacing.
13. Ground anchors must not be spaced closer than the minimum spacing permitted by the listing or certification.

accordance with testing procedures in ASTM D 3953-97, Standard Specification for Strapping, Flat Steel and Seals (incorporated by reference, see § 3285.4).

12. A reduced ground anchor or strap working load capacity will require reduced tie-down strap and anchor spacing. 13. Ground anchors must not be spaced closer than the minimum spacing permitted by the listing or certification.

14. Table is based on a 3,150 lbs. working load capacity, and straps must be placed within 2 ft. of the ends of the home.

15. Table is based on a minimum angle of 30 degrees and a maximum angle of 60 degrees between the diagonal strap and the ground.

16. Table does not consider flood or seismic loads and is not intended for use in flood or seismic hazard areas. In those areas, the anchorage system is to be designed by a professional engineer or architect.

#### **§ 3285.403 Sidewall, over-the-roof, mate-line, and shear wall straps.**

If sidewall, over-the-roof, mate-line, or shear wall straps are installed on the home, they must be connected to an anchoring assembly.

#### **§ 3285.404 Severe climatic conditions.**

In frost-susceptible soil locations, ground anchor augers must be installed below the frost line, unless the foundation system is frost-protected to prevent the effects of frost heave, in accordance with acceptable engineering practice and § 3280.306 of this chapter and § 3285.312.

#### **§ 3285.405 Severe wind zones.**

When any part of a home is installed within 1,500 feet of a coastline in Wind Zones II or III, the manufactured home must be designed for the increased requirements, as specified on the home's data plate (refer to § 3280.5(f)) in accordance with acceptable engineering practice. Where site or other conditions prohibit the use of the manufacturer's instructions, a registered professional engineer or registered architect, in accordance with acceptable engineering practice, must design anchorage for the special wind conditions.

#### **§ 3285.406 Flood hazard areas.**

Refer to § 3285.302 for anchoring requirements in flood hazard areas.

### **Subpart F—Optional Features**

#### **§ 3285.501 Home installation manual supplements.**

Supplemental instructions for optional equipment or features must be approved by the DAPIA as not taking the home out of conformance with the requirements of this part, or part 3280 of this chapter, and included with the manufacturer installation instructions.

#### **§ 3285.502 Expanding rooms.**

The support and anchoring systems for expanding rooms must be installed in accordance with designs provided by the home manufacturer or prepared by a registered professional engineer or registered architect, in accordance with acceptable engineering practice.

**§ 3285.503 Optional appliances.**

(a) Comfort cooling systems. When not provided and installed by the home manufacturer, any comfort cooling systems that are installed must be installed according to the appliance manufacturer's installation instructions.

(1) Air conditioners. Air conditioning equipment must be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing or certification (see § 3280.714).

(i) Energy efficiency.

(A) Site-installed central air conditioning equipment must be sized to meet the home's heat gain requirement, in accordance with Chapter 28 of the 1997 ASHRAE Handbook of Fundamentals (incorporated by reference, see § 3285.4) or ACCA Manual J, Residential Cooling Load, 8th Edition (incorporated by reference, see § 3285.4). Information necessary to calculate the home's heat gain can be found on the home's comfort cooling certificate.

(B) The BTU/hr. rated capacity of the site-installed air conditioning equipment must not exceed the air distribution system's rated BTU/hr. capacity as shown on the home's compliance certificate.

(ii) Circuit rating. If a manufactured home is factory-provided with an exterior outlet to energize heating and/or air conditioning equipment, the branch circuit rating on the tag adjacent to this outlet must be equal to or greater than the minimum circuit amperage identified on the equipment rating plate.

(iii) A-coil units.

(A) A-coil air conditioning units must be compatible and listed for use with the furnace in the home and installed in accordance with the appliance manufacturer's instructions.

(B) The air conditioner manufacturer instructions must be followed.

(C) All condensation must be directed beyond the perimeter of the home by means specified by the equipment manufacturer.

(2) Heat pumps. Heat pumps must be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing or certification. (See § 3280.714 of this chapter).

(3) Evaporative coolers.

(i) A roof-mounted cooler must be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing (see § 3280.714 of this chapter).

(A) Any discharge grill must not be closer than three feet from a smoke alarm.

(B) Before installing a roof-mounted evaporative cooler on-site, the installer must ensure that the roof will support the weight of the cooler.

(C) A rigid base must be provided to distribute the cooler weight over multiple roof trusses to adequately support the weight of the evaporative cooler.

(ii) An evaporative cooler that is not roof-mounted is to be installed in accordance with the requirements of its listing or the equipment manufacturer's instructions, whichever is the more restrictive.

(b) Fireplaces and wood-stoves. When not provided by the home manufacturer, fireplaces and wood-stoves including chimneys and air inlets for fireplaces and wood stoves must be listed for use with manufactured homes and must be installed in accordance with their listings.

(c) Appliance venting.

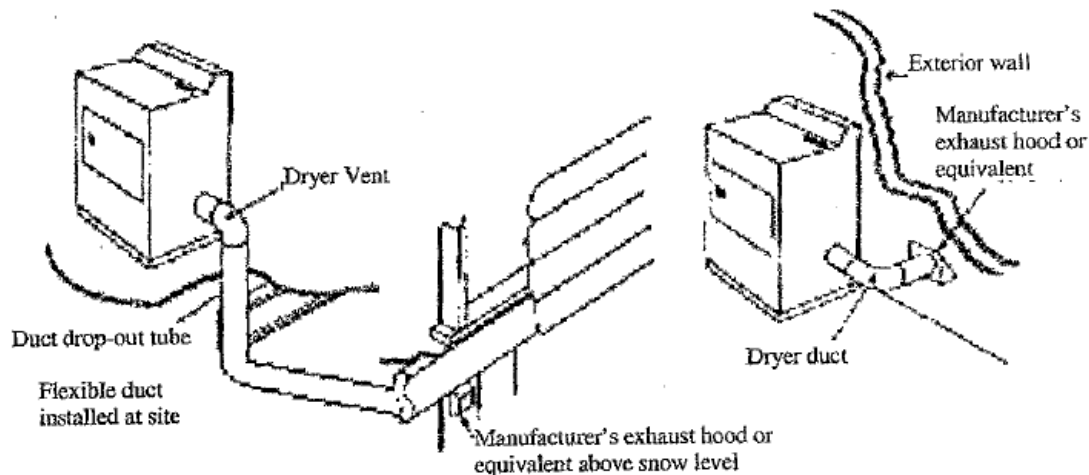
(1) All fuel burning heat producing appliances of the vented type except ranges and ovens must be vented to the exterior of the home.

(2) Upon completion, the venting system must comply with all requirements of §§ 3280.707(b) and 3280.710 of the Manufactured Home Construction and Safety Standards in this chapter.

(3) When the vent exhausts through the floor, the vent must not terminate under the home and must extend to the home's exterior and through any skirting that may be installed.

(d) Clothes dryer exhaust duct system. A clothes dryer exhaust duct system must conform with and be completed in accordance with the appliance manufacturer instructions and § 3280.708 of this chapter. The vents must exhaust to the exterior of the home, beyond any perimeter skirting installed around it, as shown in Figure to § 3285.503.

**Figure A to § 3285.503 Dryer Exhaust System.**



**Notes:**

1. Installation of the exhaust system must be in accordance with the dryer manufacturer instructions.
2. Dryer exhaust system must not contain reverse slope or terminate under the home.

**§ 3285.504 Skirting.**

(a) Skirting, if used, must be of weather-resistant materials or provided with protection against weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz./ft.2 of surface coated.

(b) Skirting must not be attached in a manner that can cause water to be trapped between the siding and trim or forced up into the wall cavities trim to which it is attached.

(c) All wood skirting within 6 inches of the ground must be pressure-treated in accordance with AWWA Standard U1 (incorporated by reference, see § 3285.4) for Use Category 4A, Ground Anchor Contact Applications, or be naturally resistant to decay and termite infestations.

(d) Skirting must not be attached in a manner that impedes the contraction and expansion characteristics of the home's exterior covering.

#### **§ 3285.505 Crawlspace ventilation.**

(a) A crawlspace with skirting must be provided with ventilation openings. The minimum net area of ventilation openings must not be less than one square foot (ft.2) for every 150 square feet (ft.2) of the home's floor area. The total area of ventilation openings may be reduced to one square foot (ft.2) for every 1,500 square feet (ft.2) of the home's floor area, where a uniform 6-mil polyethylene sheet material or other acceptable vapor retarder is installed, according to § 3285.204, on the ground surface beneath the entire floor area of the home.

(b) Ventilation openings must be placed as high as practicable above the ground.

(c) Ventilation openings must be located on at least two opposite sides to provide cross-ventilation.

(d) Ventilation openings must be covered for their full height and width with a perforated corrosion and weather-resistant covering that is designed to prevent the entry of rodents. In areas subject to freezing, the coverings for the ventilation openings must also be of the adjustable type, permitting them to be in the open or closed position, depending on the climatic conditions.

(e) Access opening(s) not less than 18 inches in width and 24 inches in height and not less than three square feet (ft.2) in area must be provided and must be located so that any utility connections located under the home are accessible.

(f) Dryer vents and combustion air inlets must pass through the skirting to the outside. Any surface water runoff from the furnace, air conditioning, or water heater drains must be directed away from under the home or collected by other methods identified in § 3285.203.

#### **Subpart G—Ductwork and Plumbing and Fuel Supply Systems**

##### **§ 3285.601 Field assembly.**

Home manufacturers must provide specific installation instructions for the proper field assembly of manufacturer-supplied and shipped loose ducts, plumbing, and fuel supply system parts that are necessary to join all sections of the home and are designed to be located underneath the home. The installation instructions must be designed in accordance with applicable requirements of part 3280, subparts G and H, of this chapter, as specified in this subpart.

##### **§ 3285.602 Utility connections.**

Refer to § 3285.904 for considerations for utility system connections.

#### **§ 3285.603 Water supply.**

(a) Crossover. Multi-section homes with plumbing in both sections require water-line crossover connections to join all sections of the home. The crossover design requirements are located in, and must be designed in accordance with, § 3280.609 of this chapter.

(b) Maximum supply pressure and reduction. When the local water supply pressure exceeds 80 psi to the manufactured home, a pressure-reducing valve must be installed.

(c) Mandatory shutoff valve.

(1) An identified and accessible shutoff valve must be installed between the water supply and the inlet.

(2) The water riser for the shutoff valve connection must be located underneath or adjacent to the home.

(3) The shutoff valve must be a full-flow gate or ball valve, or equivalent valve.

(d) Freezing protection. Water line crossovers completed during installation must be protected from freezing. The freeze protection design requirements are located in, and must be designed in accordance with, § 3280.603 of this chapter.

(1) If subject to freezing temperatures, the water connection must be wrapped with insulation or otherwise protected to prevent freezing.

(2) In areas subject to freezing or subfreezing temperatures, exposed sections of water supply piping, shutoff valves, pressure reducers, and pipes in water heater compartments must be insulated or otherwise protected from freezing.

(3) Use of pipe heating cable. Only pipe heating cable listed for manufactured home use is permitted to be used, and it must be installed in accordance with the cable manufacturer installation instructions.

(e) Testing procedures.

(1) The water system must be inspected and tested for leaks after completion at the site. The installation instructions must provide testing requirements that are consistent with § 3280.612 of this chapter.

(2) The water heater must be disconnected when using an air-only test.

#### **§ 3285.604 Drainage system.**

(a) Crossovers. Multi-section homes with plumbing in more than one section require drainage system crossover connections to join all sections of the home. The crossover design requirements are located in, and must be designed in accordance with, § 3280.610 of this chapter.

(b) Assembly and support. If portions of the drainage system were shipped loose because they were necessary to join all sections of the home and designed to be located underneath the home, they must be installed and supported in accordance with § 3280.608 of this chapter.

(c) Proper slopes. Drains must be completed in accordance with § 3280.610 of this chapter.

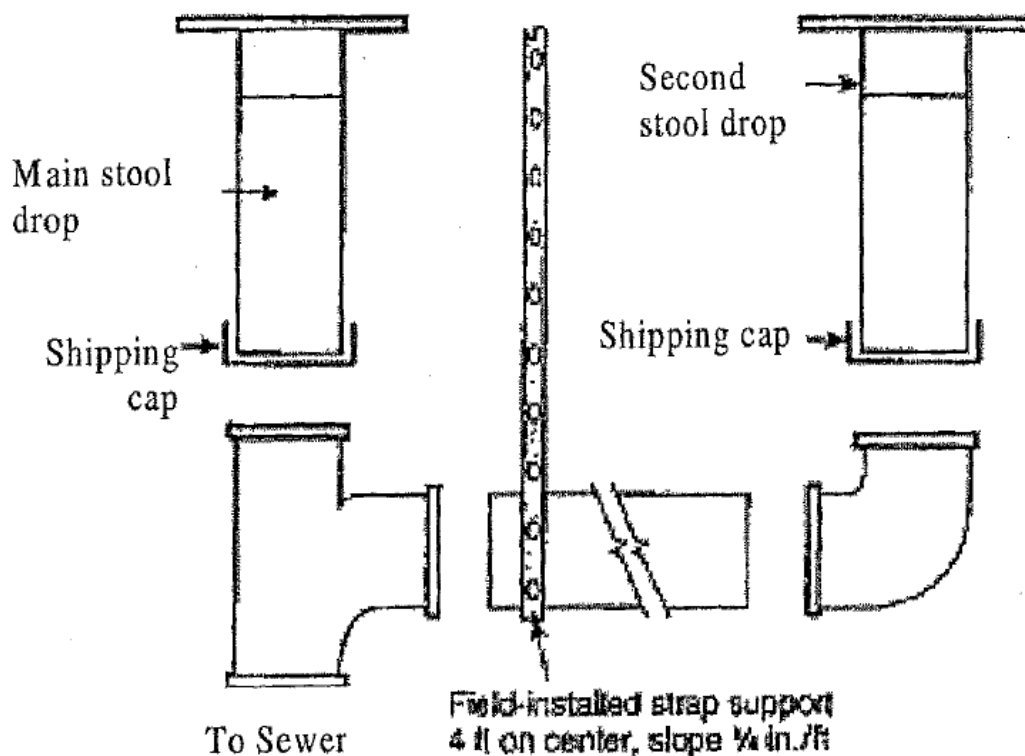


(1) Drain lines must not slope less than one-quarter inch per foot, unless otherwise noted on the schematic diagram, as shown in Figure to § 3285.604.

(2) A slope of one-eighth inch per foot may be permitted when a clean-out is installed at the upper end of the run.

(d) Testing procedures. The drainage system must be inspected and tested for leaks after completion at the site. The installation instructions must provide testing requirements that are consistent with § 3280.612 of this chapter.

**Figure A to § 3285.604 Drain Pipe Slope and Connections.**



**§ 3285.605 Fuel supply system.**

(a) Proper supply pressure. The gas piping system in the home is designed for a pressure that is at least 7 inches of water column [4oz./in.2 or 0.25 psi] and not more than 14 inches of water column [8 oz./in.2 or 0.5 psi]. If gas from any supply source exceeds, or could exceed this pressure, a regulator must be installed if required by the LAHJ.

**(b) Crossovers.**

(1) Multi-section homes with fuel supply piping in both sections require crossover connections to join all sections of the home. The crossover design requirements are located in, and must be designed in accordance with, § 3280.705 of this chapter.

(2) Tools must not be required to connect or remove the flexible connector quick-disconnect.

(c) Testing procedures. The gas system must be inspected and tested for leaks after completion at the site. The installation instructions must provide testing requirements that are consistent with § 3280.705 of this chapter.

**§ 3285.606 Ductwork connections.**

(a) Multi-section homes with ductwork in more than one section require crossover connections to complete the duct system of the home. All ductwork connections, including duct collars, must be sealed to prevent air leakage. Galvanized metal straps or tape and mastics listed to UL 181A (incorporated by reference, see § 3285.4), for closure systems with rigid air ducts and connectors, or UL 181B (incorporated by reference, see § 3285.4), for closure systems with flexible air ducts and connectors, must be used around the duct collar and secured tightly to make all connections.

(b) If metal straps are used, they must be secured with galvanized sheet metal screws.

(c) Metal ducts must be fastened to the collar with a minimum of three galvanized sheet metal screws equally spaced around the collar.

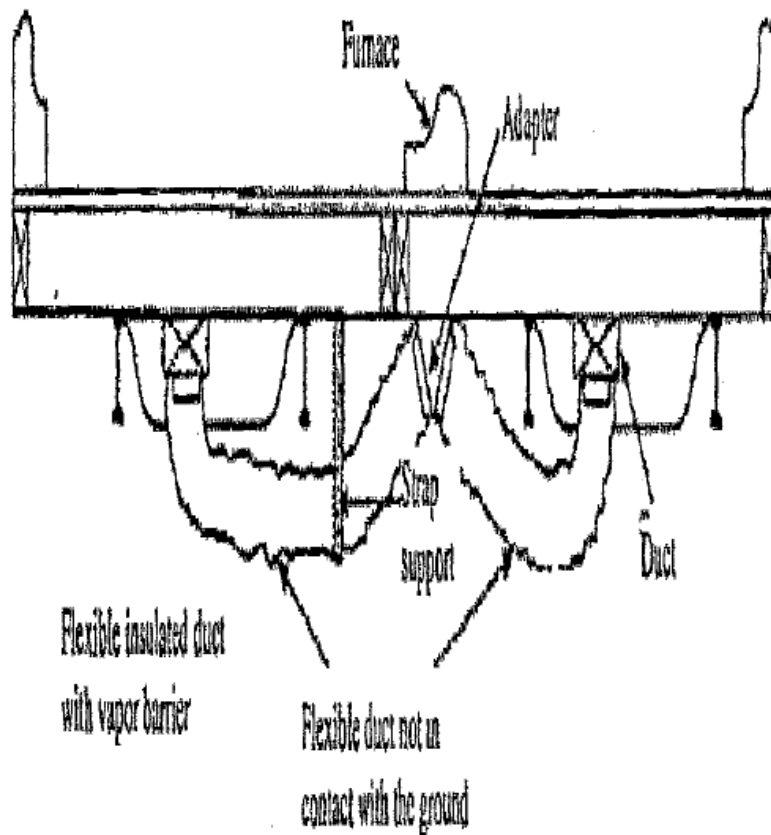
(d) Air conditioning or heating ducts must be installed in accordance with applicable requirements of the duct manufacturer installation instructions.

(e) The duct must be suspended or supported above the ground by straps or other means that are spaced at a maximum distance not to exceed 4'-0" or as otherwise permitted by the installation instructions. When straps are used to support a flexible type duct, the straps must be at least ½" wider than the spacing of the metal spirals encasing the duct. The ducts must be installed such that the straps cannot slip between any two spirals and arranged under the floor to prevent compression or kinking in any location, as shown in Figures A and B to this section. In-floor crossover ducts are permitted, in accordance with § 3285.606(g).

(f) Crossover ducts outside the thermal envelope must be insulated with materials that conform to designs consistent with part 3280, subpart F of this chapter.

(g) In-floor or ceiling crossover duct connections must be installed and sealed to prevent air leakage.

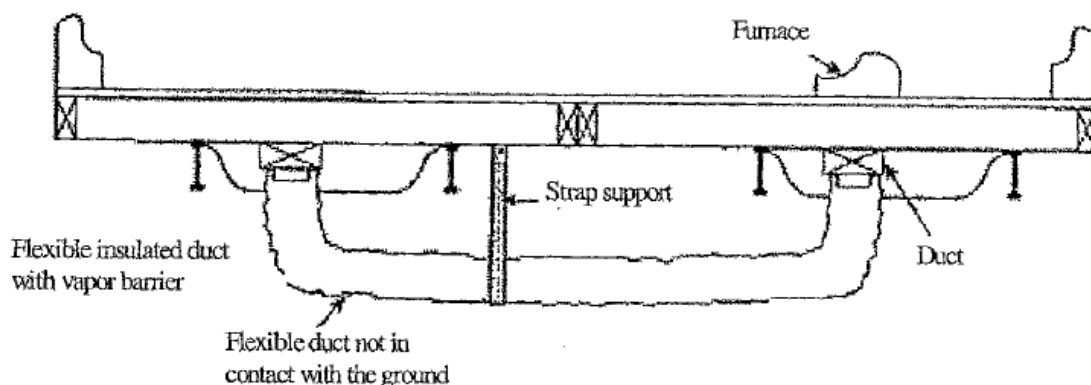
## Figure A to §3285.606 - Crossover Duct Installation with Two Connecting Ducts.



### Notes:

1. This system is typically used when a crossover duct has not been built into the floor and the furnace is outside the I-Beam. With this type of installation, it is necessary for two flexible ducts to be installed.
2. The crossover duct must be listed for exterior use.

**Figure B to §3285.606 Crossover Duct Installation with One Connecting Duct.**



**Notes:**

1. This system is typically used when a crossover duct has not been built into the floor and the furnace is situated directly over the main duct in one section of the home. A single flexible duct is then used to connect the two sections to each other.
2. The crossover duct must be listed for exterior use.

**Subpart H—Electrical Systems and Equipment**

**§ 3285.701 Electrical crossovers.**

Multi-section homes with electrical wiring in more than one section require crossover connections to join all sections of the home. The crossover must be designed in accordance with part 3280, subpart I of this chapter, and completed in accordance with the directions provided in the installation instructions.

**§ 3285.702 Miscellaneous lights and fixtures.**

(a) When the home is installed, exterior lighting fixtures, ceiling-suspended (paddle) fans, and chain-hung lighting fixtures are permitted to be installed in accordance with their listings and part 3280, subpart I of this chapter.

(b) Grounding.

(1) All the exterior lighting fixtures and ceiling fans installed per § 3285.702(a) must be grounded by a fixture-grounding device or by a fixture-grounding wire.

(2) For chain-hung lighting fixtures, as shown in Figure A to this section, both a fixture-grounding device and a fixture-grounding wire must be used. The identified conductor must be the neutral conductor.

(c) Where lighting fixtures are mounted on combustible surfaces such as hardboard, a limited combustible or noncombustible ring, as shown in Figures A and B to this section, must be installed to completely cover the combustible surface exposed between the fixture canopy and the wiring outlet box.

(d) Exterior lights.

(1) The junction box covers must be removed and wire-to-wire connections must be made using listed wire connectors.

(2) Wires must be connected black-to-black, white-to-white, and equipment ground-to-equipment ground.

(3) The wires must be pushed into the box, and the lighting fixture must be secured to the junction box.

(4) The lighting fixture must be caulked around its base to ensure a watertight seal to the sidewall.

(5) The light bulb must be installed and the globe must be attached.

(e) Ceiling fans.

(1) Ceiling-suspended (paddle) fans must be connected to junction box listed and marked for ceiling fan application, in accordance with Article 314.27(b) of the National Electrical Code, NFPA No. 70-2005 (incorporated by reference, see § 3285.4); and

(2) The ceiling fan must be installed with the trailing edges of the blades at least 6 feet 4 inches above the finished floor; and

(3) The wiring must be connected in accordance with the product manufacturer installation instructions.

(f) Testing.

(1) After completion of all electrical wiring and connections, including crossovers, electrical lights, and ceiling fans, the electrical system must be inspected and tested at the site, in accordance with the testing requirements of § 3280.810(b) of this chapter.

(2) The installation instructions must indicate that each manufactured home must be subjected to the following tests:

(i) An electrical continuity test to ensure that metallic parts are effectively bonded;

(ii) Operational tests of all devices and utilization equipment, except water heaters, electric ranges, electric furnaces, dishwashers, clothes washers/ dryers, and portable appliances, to demonstrate that they are connected and in working order; and

(iii) For electrical equipment installed or completed during installation, electrical polarity checks must be completed to determine that connections have been made properly. Visual verification is an acceptable electrical polarity check.

Figure A to § 3285.702 Typical Installation of Chain-Hung Lighting Fixture.

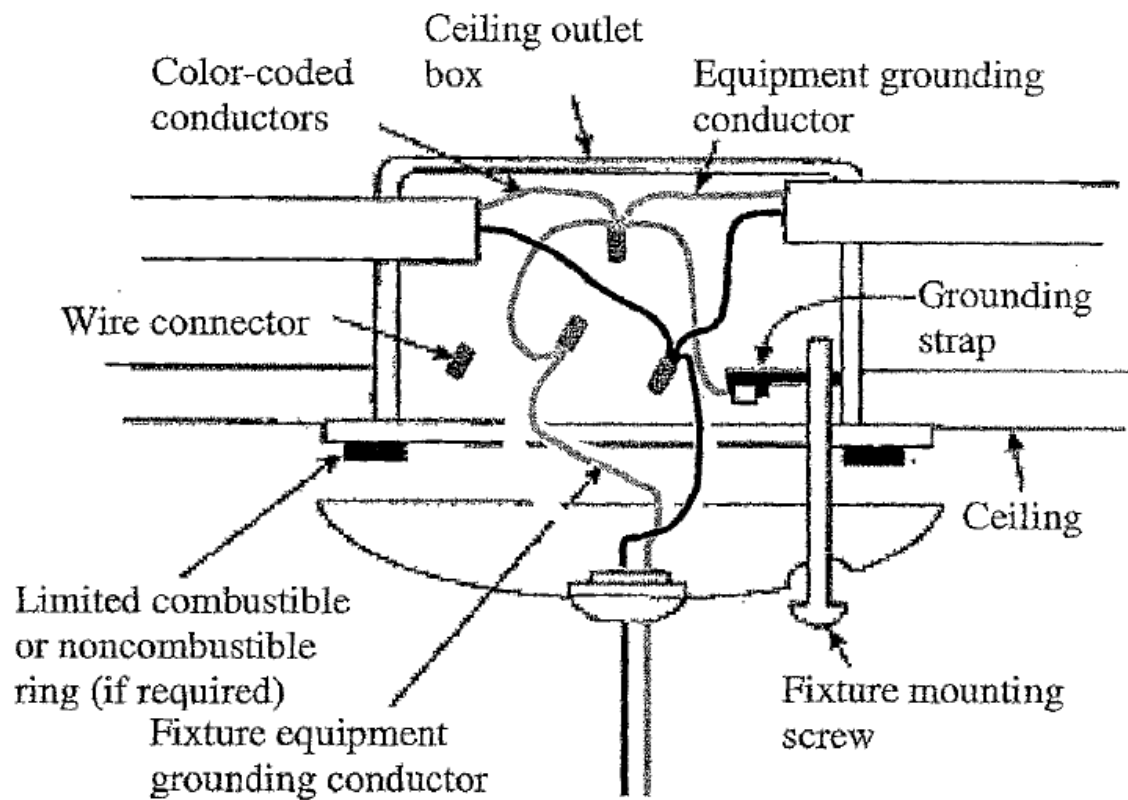
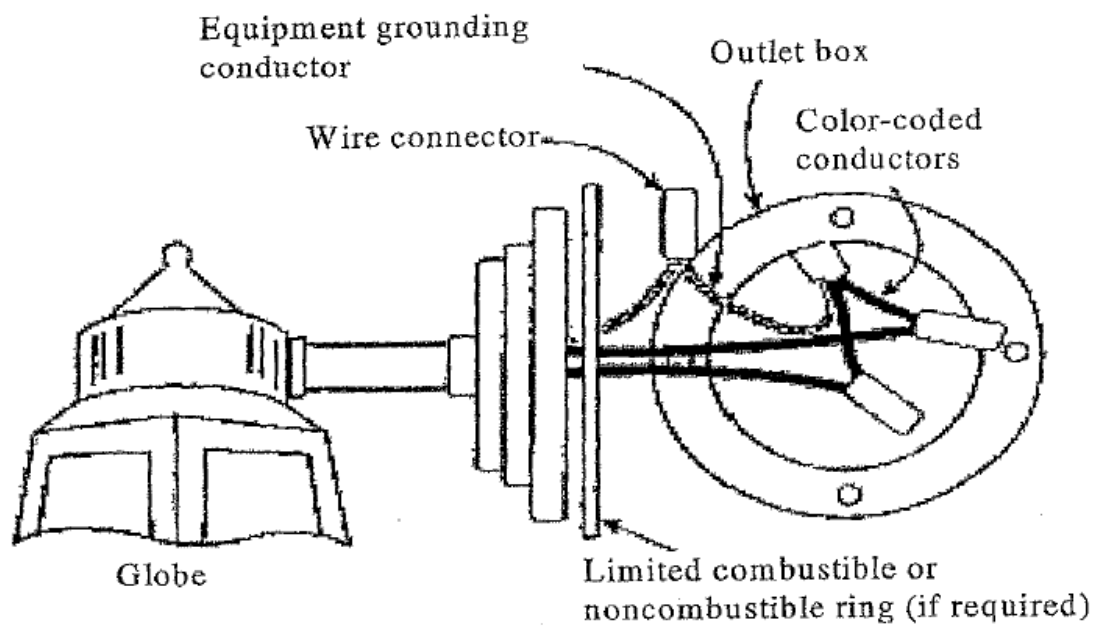


Figure B to § 3285.702 Typical Installation of Surface-Mounted Exterior Lighting Fixture.





### § 3285.703 Smoke alarms.

Smoke alarms must be functionally tested in accordance with applicable requirements of the smoke alarm manufacturer instructions and must be consistent with § 3280.208 of this chapter.

### § 3285.704 Telephone and cable TV.

Refer to § 3285.906 for considerations pertinent to installation of telephone and cable TV.

## Subpart I—Exterior and Interior Close-Up

### § 3285.801 Exterior close-up.

(a) Exterior siding and roofing necessary to join all sections of the home must be installed according to the product manufacturer installation instructions and must be fastened in accordance with designs and manufacturer's instructions, consistent with §§ 3280.305 and 3280.307 of this chapter. Exterior close-up strips/trim must be fastened securely and sealed with exterior sealant (see figure A to this section).

(b) Joints and seams. All joints and seams in exterior wall coverings that were disturbed during location of the home must be made weatherproof.

(c) Prior to installing the siding, the polyethylene sheeting covering exterior walls for transit must be completely removed.

(d) Prior to completing the exterior close-up, any holes in the roofing must be made weatherproof and sealed with a sealant or other material that is suitable for use with the roofing in which the hole is made.

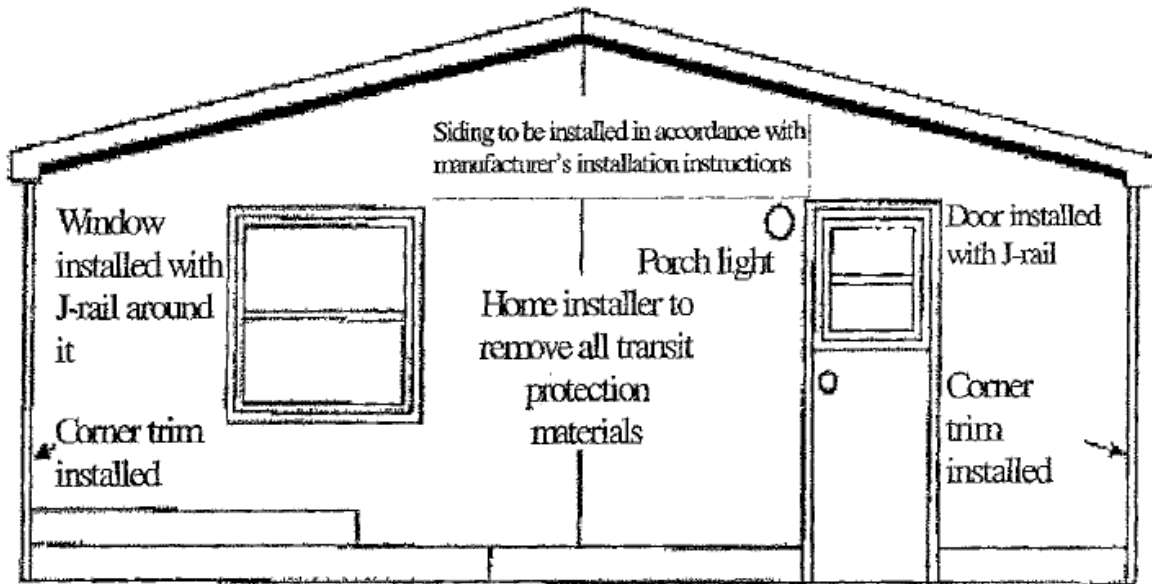
(e) Mate-line gasket. The home manufacturer must provide materials and designs for mate-line gaskets or other methods designed to resist the entry of air, water, water vapor, insects, and rodents at all mate-line locations exposed to the exterior (see Figure B to this section).

(f) Hinged roofs and eaves. Hinged roofs and eaves must be completed during installation in compliance with all requirements of the Manufactured Home Construction and Safety Standards (24 CFR part 3280) and the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282). Unless exempted by the following provisions, hinged roofs are also subject to a final inspection for compliance with the Manufactured Home Construction and Safety Standards (24 CFR part 3280) by the IPIA or a qualified independent inspector acceptable to the IPIA. Homes with hinged roofs that are exempted from IPIA inspection are instead to be completed and inspected in accordance with the Manufactured Home Installation Program (24 CFR part 3286).

This includes homes:

- (1) That are designed to be located in Wind Zone I;
- (2) In which the pitch of the hinged roof is less than 7:12; and
- (3) In which fuel burning appliance flue penetrations are not above the hinge.

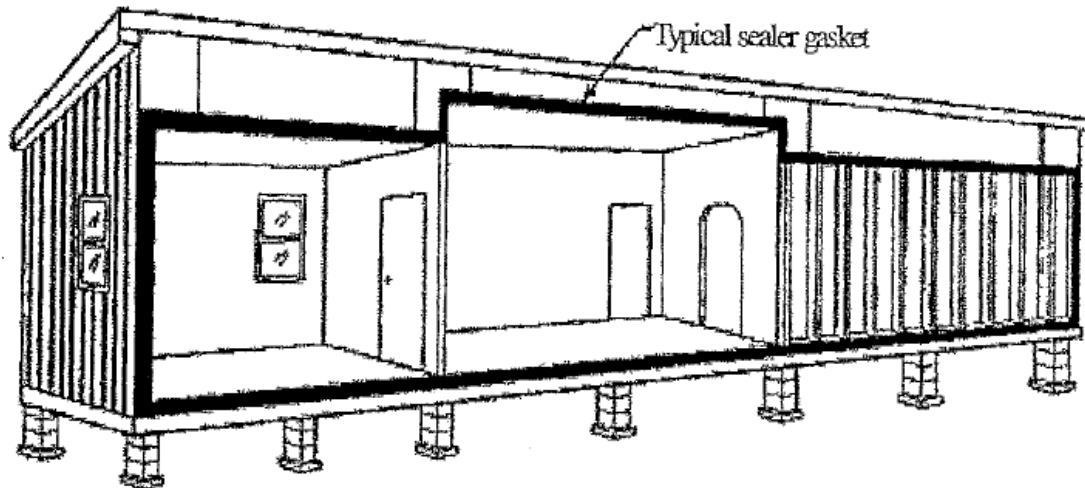
**FIGURE A to §3285.801 Installation of Field-Applied Horizontal Lap Siding**



**Notes:**

1. Multi-section homes with horizontal-lap siding can be shipped with no siding on the front and rear end walls.
2. The manufacturer must install doors/windows trimmed with J-rail or the equivalent and protect all exposed materials not designed for exposure to the weather with plastic sheeting for transport. Siding, starter trim, and vents may be shipped loose in the home for installation on set-up.
3. All home installers must ensure that all field installed trim, windows, doors, and other openings are properly sealed according to the siding manufacturer installation instructions.

Figure B to § 3285.801 Mate-Line Gasket.



**Note:**

On multi-section manufactured homes, install the sealer gasket on the ceiling, end walls, and floor mate-line prior to joining the sections together.

**§ 3285.802 Structural interconnection of multi-section homes.**

- (a) For multi-section homes, structural interconnections along the interior and exterior at the mate-line are necessary to join all sections of the home.
- (b) Structural interconnection must be designed in accordance with the requirements located in § 3280.305 of this chapter to ensure a completely integrated structure.
- (c) Upon completion of the exterior close-up, no gaps are permitted between the structural elements being interconnected along the mate-line of multi-section homes. However, prior to completion of the exterior close-up, gaps that do not exceed one inch are permitted between structural elements provided:
  - (1) The gaps are closed before completion of close-up;
  - (2) The home sections are in contact with each other; and
  - (3) The mating gasket is providing a proper seal. All such gaps must be shimmed with dimensional lumber, and fastener lengths used to make connections between the structural elements must be increased to provide adequate penetration into the receiving member.

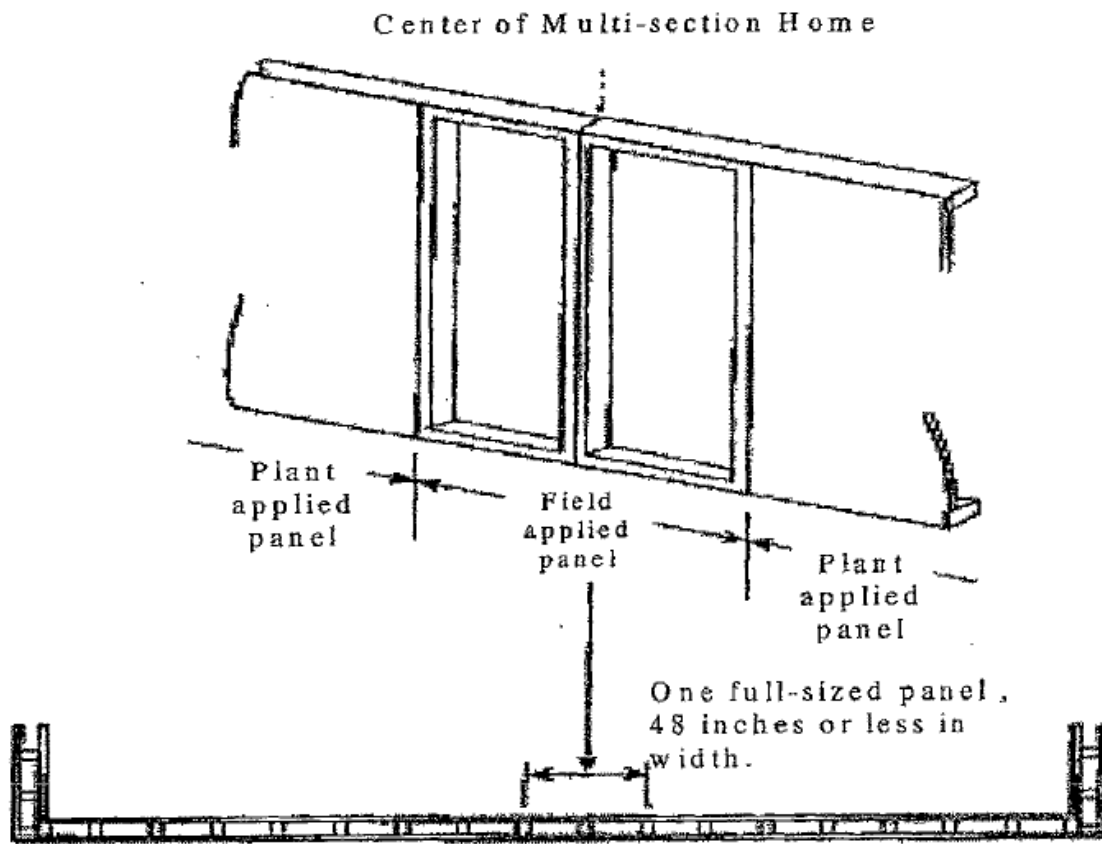
**§ 3285.803 Interior close-up.**

- (a) All shipping blocking, strapping, or bracing must be removed from appliances, windows, and doors.

(b) Interior close up items necessary to join all sections of the home or items subject to transportation damage may be packaged or shipped with the home for site installation.

(c) Shipped-loose wall paneling necessary for the joining of all sections of the home must be installed by using polyvinyl acetate (PVA) adhesive on all framing members and fastened with minimum 1 1/2 inch long staples or nails at 6 inches on center panel edges and 12 inches on center in the field, unless alternative fastening methods are permitted in the installation instructions (see Figure A to § 3285.803).

### FIGURE A to §3285.803 - Installation of Interior Field-Applied Panels.



Note: Specific designs must be approved by a DAPIA and included in the home manufacturer installation instructions.

#### § 3285.804 Bottom board repair.

(a) The bottom board covering must be inspected for any loosening or areas that might have been damaged or torn during installation or transportation. Any missing insulation is to be replaced prior to closure and repair of the bottom board.

(b) Any splits or tears in the bottom board must be resealed with tape or patches in accordance with methods provided in the manufacturers installation instructions.

- (c) Plumbing P-traps must be checked to be sure they are well-insulated and covered.
- (d) All edges of repaired areas must be taped or otherwise sealed.

## **Subpart J—Optional Information for Manufacturer's Installation Instructions**

### **§ 3285.901 General.**

The planning and permitting processes, as well as utility connection, access, and other requirements, are outside of the State of Mississippi's authority and may be governed by LAHJs. These Model Installation Standards do not attempt to comprehensively address such requirements. However, the State of Mississippi recommends that the manufacturer's installation instructions include the information and advisories in this Subpart J, in order to protect the manufactured home, as constructed in accordance with the MHCSS.

### **§ 3285.902 Moving manufactured home to location.**

It is recommended that the installation instructions indicate that the LAHJ be informed before moving the manufactured home to the site. It is also recommended that the installation instructions indicate that the manufactured home is not to be moved to the site until the site is prepared in accordance with subpart C of this part and when the utilities are available as required by the LAHJ. Examples of related areas that might be addressed in the installation instructions for meeting this recommendation include:

- (a) Access for the transporter. Before attempting to move a home, ensure that the transportation equipment and home can be routed to the installation site and that all special transportation permits required by the LAHJ have been obtained.
- (b) Drainage structures. Ditches and culverts used to drain surface runoff meet the requirements of the LAHJ and are considered in the overall site preparation.

### **§ 3285.903 Permits, alterations, and on-site structures.**

It is recommended that the installation instructions include the following information related to permits, alterations, and on-site structures:

- (a) Issuance of permits. All necessary LAHJ fees should be paid and permits should be obtained, which may include verification that LAHJ requirements regarding encroachments in streets, yards, and courts are obeyed and that permissible setback and fire separation distances from property lines and public roads are met.
- (b) Alterations. Prior to making any alteration to a home or its installation, contact the LAHJ to determine if plan approval and permits are required.
- (c) Installation of on-site structures. Each accessory building and structure is designed to support all of its own live and dead loads, unless the structure, including any attached garage, carport, deck, and

porch, is to be attached to the manufactured home and is otherwise included in the installation instructions or designed by a registered professional engineer or registered architect.

#### § 3285.904 Utility system connections.

(a) It is recommended that the manufacturer's installation instructions indicate the following procedures be used prior to making any utility system connection:

(1) Where an LAHJ and utility services are available, that the LAHJ and all utility services each be consulted before connecting the manufactured home to any utilities, or

(2) Where no LAHJ exists and utility services are available, that the utilities be consulted before connecting the manufactured home to any utility service; or

(3) In rural areas where no LAHJ or utility services are available, that a professional be consulted prior to making any system connections.

(b) Qualified personnel. Only qualified personnel familiar with local requirements are permitted to make utility site connections and conduct tests.

(c) Drainage system. The main drain line must be connected to the site's sewer hookup, using an elastomeric coupler or by other methods acceptable to the LAHJ, as shown in Figure A to this section.

(d) Fuel supply system.

(1) Conversion of gas appliances. A service person acceptable to the LAHJ must convert the appliance from one type of gas to another, following instructions by the manufacturer of each appliance.

(2) Orifices and regulators. Before making any connections to the site supply, the inlet orifices of all gas-burning appliances must be checked to ensure they are correctly set up for the type of gas to be supplied.

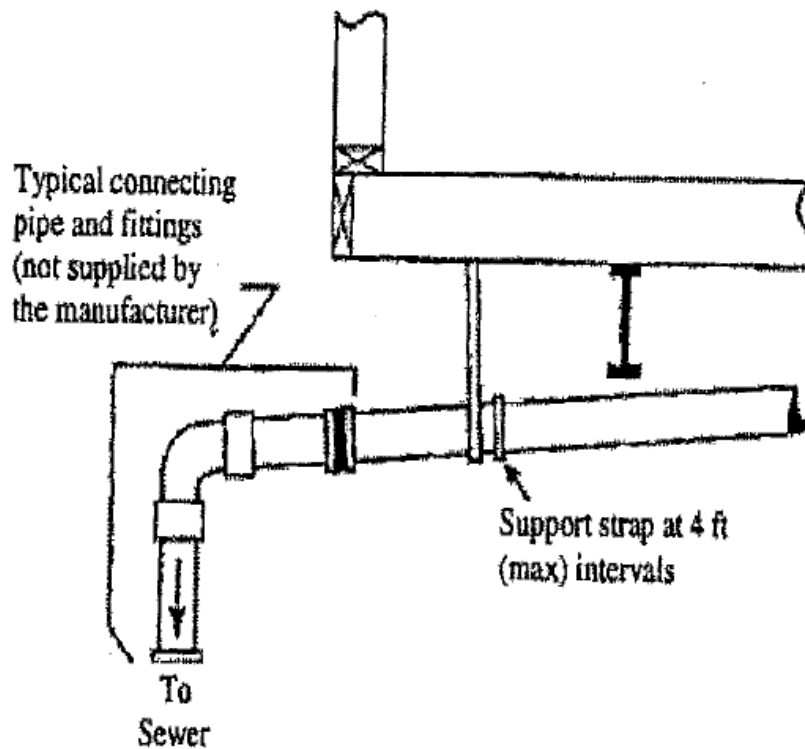
(3) Connection procedures. Gas-burning appliance vents must be inspected to ensure that they are connected to the appliance and that roof jacks are properly installed and have not come loose during transit.

(4) Gas appliance start-up procedures. The LAHJ should be consulted concerning the following gas appliance startup procedures:

(i) One at a time, opening equipment shutoff valves, lighting pilot lights when provided, and adjusting burners and spark igniters for automatic ignition systems, in accordance with each appliance manufacturer instructions.

(ii) Checking the operation of the furnace and water heater thermostats.

## Figure A to § 3285.904 – Connection to Site Sewer.



### Note:

Fittings in the drainage system that are subject to freezing, such as P-traps in the floor, are protected with insulation by the manufacturer. Insulation must be replaced if it is removed for access to the P-trap.

### § 3285.905 Heating oil systems.

It is recommended that the installation instructions include the following information related to heating oil systems, when applicable:

- (a) Homes equipped with oil burning furnaces should have their oil supply tank and piping installed and tested on-site, in accordance with NFPA 31, Standard for the Installation of Oil Burning Equipment, 2001 (incorporated by reference, see § 3285.4) or the LAHJ, whichever is more stringent.
- (b) The oil burning furnace manufacturer's instructions should be consulted for pipe size and installation procedures.
- (c) Oil storage tanks and pipe installations should meet all applicable local regulations.

(d) Tank installation requirements.

(1) The tank should be located where it is accessible to service and supply and where it is safe from fire and other hazards.

(2) In flood hazard areas, the oil storage tank should be anchored and elevated to or above the design flood elevation, or anchored and designed to prevent flotation, collapse, or permanent lateral movement during the design flood.

(3) Leak test procedure. Before the system is operated, it should be checked for leaks in the tank and supply piping, in accordance with NFPA 31, Standard for the Installation of Oil Burning Equipment, 2001 (incorporated by reference, see § 3285.4) or the requirements of the LAHJ, whichever is more stringent.

#### **§ 3285.906 Telephone and cable TV.**

It is recommended that the installation instructions explain that telephone and cable TV wiring should be installed in accordance with requirements of the LAHJ and the National Electrical Code, NFPA No. 70–2005 (incorporated by reference, see § 3285.4).

#### **§ 3285.907 Manufacturer additions to installation instructions.**

A manufacturer may include in its installation instructions items that are not required by this chapter as long as the items included by the manufacturer are consistent with the Model Installation Standards in this part and do not take the manufactured home out of compliance with the MHCSS.



State of Mississippi



Department of Insurance  
OFFICE OF THE FIRE MARSHAL

MEMORANDUM

**TO:** ALL FACTORY-BUILT HOME LICENSEES

**FROM:** RICKY DAVIS  
STATE CHIEF DEPUTY FIRE MARSHAL

**DATE:** APRIL 1, 2011

**RE:** SUPPLEMENTARY INFORMATION FOR THE  
RULES AND REGULATIONS FOR THE UNIFORM  
STANDARDS CODE FOR THE FACTORY-BUILT  
HOMES LAW REGULATION MH-5

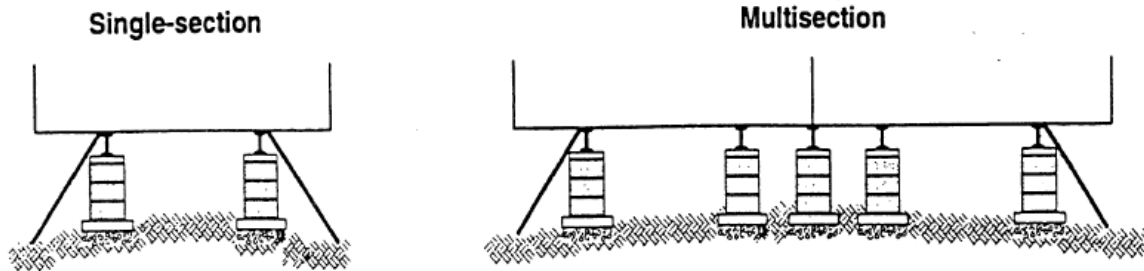
The Factory-Built Homes Division of the State Fire Marshal's Office is submitting the enclosed supplementary information to the MH-5 rules and regulations booklet.

Please note the following clarifications:

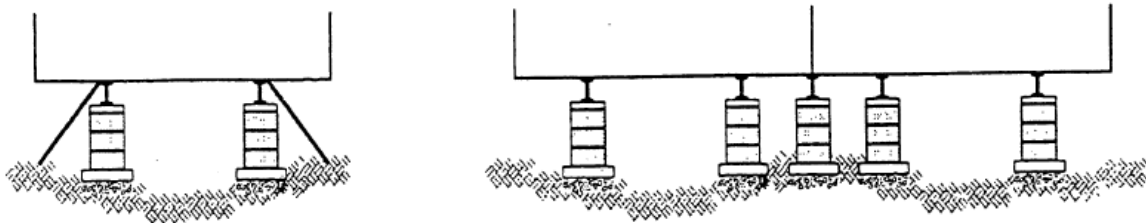
1. Page 21 – Section P (see enclosed statute)
2. Page 23 – Section B (should be Section VI and not Section V)
3. Page 24 – Section V – (Wordage – “distributors” should be “developers”)
4. Page 24 – Section VI – (Wordage – “distributors” should be “developers”)
5. Page 26 – Figure I- Site Grading (chart)
6. Page 29 – Figure II – Minimum Blocking Standards (chart)
7. Page 33 – Figure III – ABS Pad Assembly (chart)
8. Page 34 – Figure IV – ABS Pad Installation Instructions (chart)
9. Pages 42 through Page 100 – Exhibit “A” Mississippi Manufactured Home Installation Program Standards (HUD’s requirements for installation of NEW factory-built homes).
10. “The Uniform Standards Code for Factory-Built Homes Law.”

If you have any questions, please contact our office at (601) 359-1061.

**FIGURE 1 - SITE GRADING**

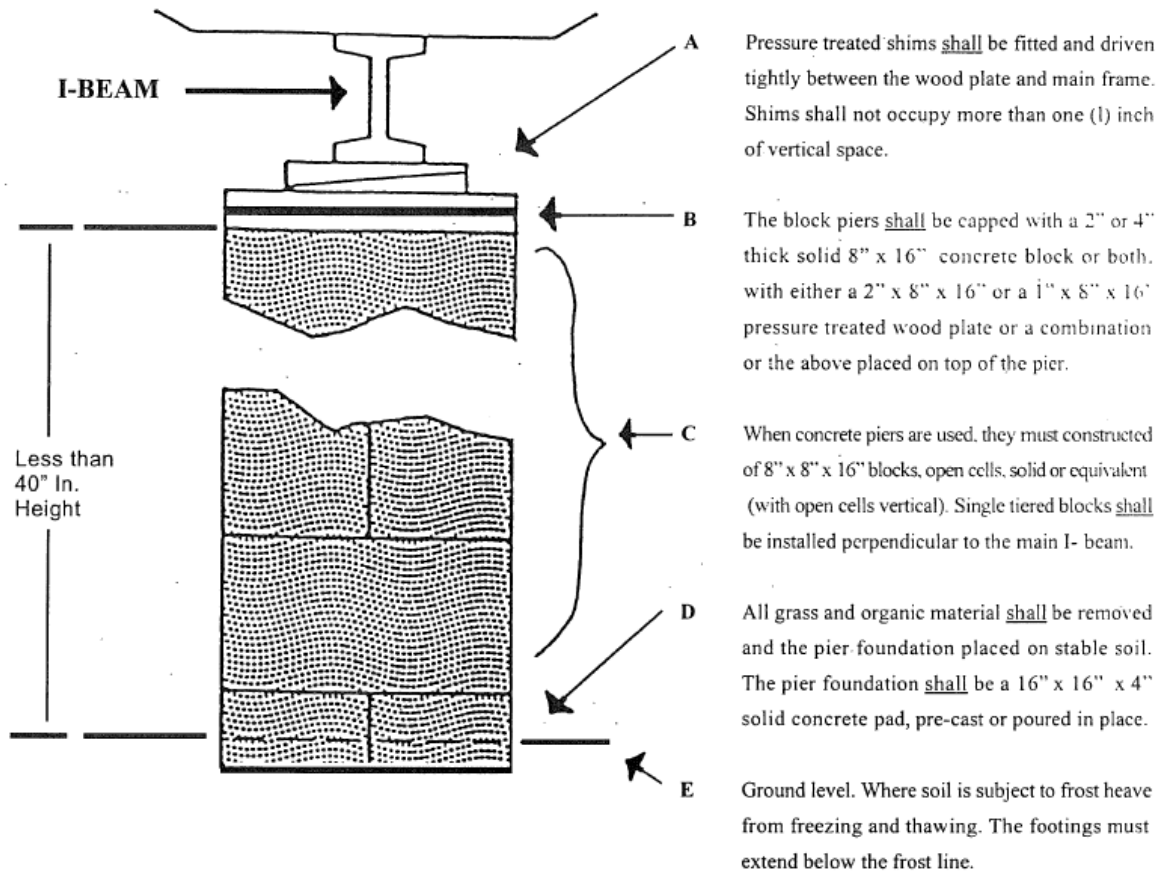


**DO:** Crown and grade site to slope away from home, and cover with 6 mil thick polyethylene sheeting or equivalent.

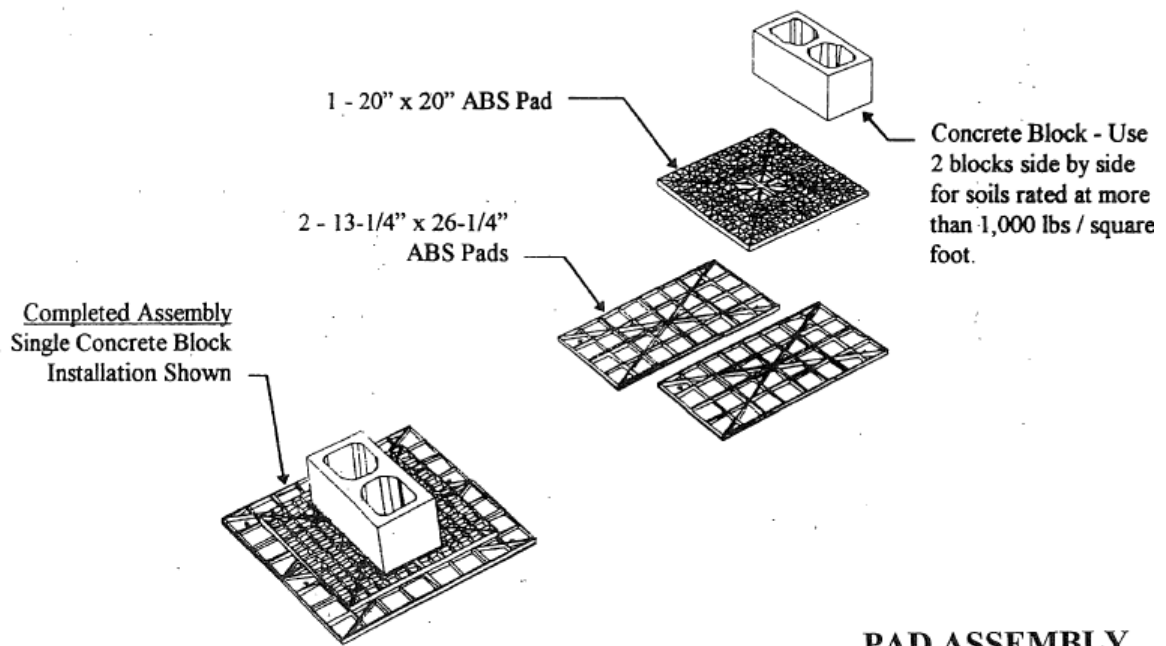


**DON'T:** Grade site so that water collects beneath home.

**FIGURE II - MINIMUM BLOCKING STANDARDS**

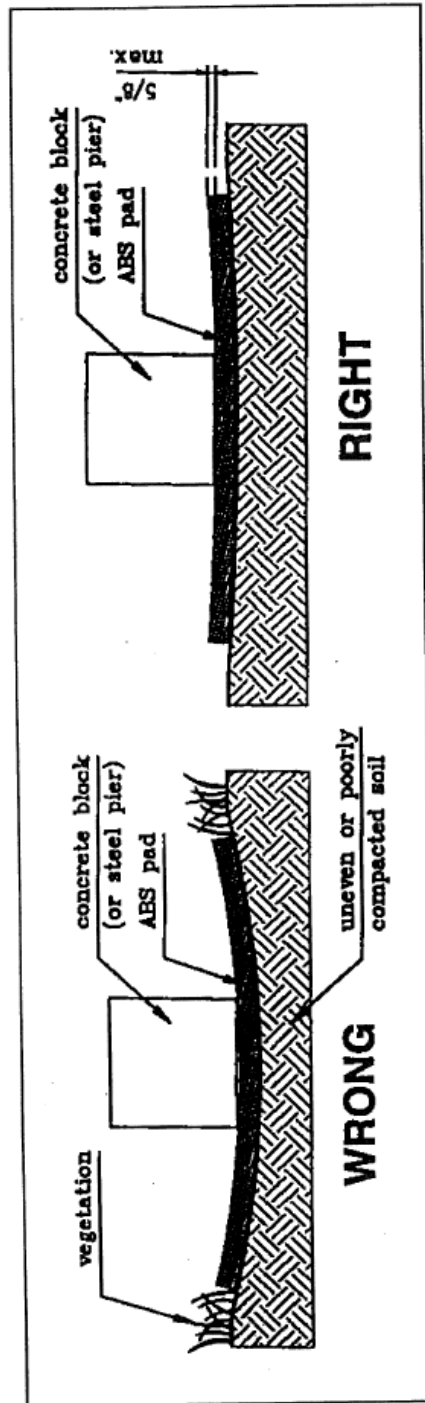


**FIGURE III - ABS PAD ASSEMBLY**  
**Installation Instructions for ABS Pads**  
**26" x 26" Pad Configuration**



**FIGURE IV - ABS PAD INSTALLATION INSTRUCTIONS**  
 Addendum (9 October 1995, Revised 27 September 1996)

The purpose of this addendum is to emphasize that the ground under the ABS pads must be leveled, evenly compacted, and cleared of all vegetation and debris before the placement of the pads.



The maximum deflection in a single pad is 5/8" measured from the highest point to the lowest point of the top.

§ 75-49-1. Short title.

This chapter shall be known and may be cited as "The Uniform Standards Code for Factory-Built Homes Law."

§ 75-49-3. Definitions

Unless clearly indicated otherwise by the context, the following words when used in this chapter, for the purpose of this chapter, shall have the meanings respectively ascribed to them in this section:

(a) "Manufactured home" means a structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.), and manufactured after June 14, 1976.

(b) "Mobile home" means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.). It is a structure that is transportable in one or more sections, that, in the traveling mode, is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or, when erected on site, is two hundred fifty-six (256) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the commissioner and complies with the standards established under this chapter.

(c) "Modular home" means a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code; and (iv) designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term "modular home" does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974.

(d) "Modular home contractor" means a licensed residential building contractor or a licensed retailer who buys factory-built modular homes for resale to the general public, whether to be located on the consumer's home site or a land-home package on property owned by the modular home contractor. A Mississippi licensed modular home contractor is authorized to sell new modular homes for installation on a consumer's home site or as part of a land-home package without the necessity of maintaining a separate sales center. A modular home contractor shall be responsible for the installation requirements for modular housing as provided in Section IV of the rules and regulations for Uniform Standards Code for the Factory-built Homes as related to modular homes.

(e) "Factory-built home" means a mobile home, a manufactured home, and a modular home as those terms are defined herein.

(f) "Commissioner" means the Commissioner of Insurance of the State of Mississippi.

(g) "Chief Deputy State Fire Marshal" means the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the commissioner to implement and enforce this chapter and to maintain, among other duties, the Factory Built Division of the Insurance Department.

(h) "Division" means the Factory Built Division of the State Fire Marshal's Office.

(i) "Person" means any individual, firm, corporation, partnership, association or other type of business entity.

(j) "Retailer" means any person engaged in the retail sale of new or used manufactured mobile or modular homes to the general public.

(k) "Developer" means any person who buys factory-built homes and real estate and then offers to sell or lease to the general public land-home "package deals" consisting of a home with real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available manufactured or modular home sites. A developer shall be responsible for installation requirements for manufactured or modular housing as set forth in Section IV of the rules and regulations for the Uniform Standards Code for Factory-Built Homes Law.

(l) "Independent contractor installer or transporter" means any person who is engaged for hire in the movement or transportation, or both, or the installation, blocking, anchoring and tie-down of a factory-built home. An "independent contractor installer or transporter" shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition.

(m) "Manufacturer" means any person engaged in the production (construction) of manufactured homes or modular homes.

(n) "Installation" means the assembly of a manufactured building, components of manufactured building on site and the process of affixing a manufactured building to land, a foundation, footings or an existing building and service connections which are a part thereof.

**§ 75-49-5. Statement of policy; rule-making power.**

(1) Factory-built homes, because of the manner of their construction, assembly and use and that of their systems, components and appliances (including heating, plumbing and electrical systems), like other finished products having concealed vital parts, may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured. In the sale of factory-built homes, there is also the possibility of defects not readily ascertainable when inspected by purchasers. It is the policy and purpose of this state to provide protection to the public against those possible hazards, and for that purpose to forbid the manufacture and sale of new factory-built homes which are not properly constructed and anchored and blocked at the home site so as to provide reasonable safety and protection to their owners and users. It is also the policy of this state that used factory-built homes be properly anchored and blocked at the home site.

(2) The commissioner is hereby authorized and directed to investigate and examine into engineering and construction practices and techniques, the properties of construction materials used in the construction and assembly of factory-built homes, their electrical, plumbing, heating and other systems and appliances, their anchoring and blocking systems and techniques, fire prevention and protective techniques and measures to promote safety of persons and property and protect the health of users of such factory-built homes. The commissioner, in the interest of such public safety, is authorized to employ a minimum of three (3) additional employees in the Manufactured Housing Division of the Insurance Department to serve as Fire Marshal I, Deputies in the enforcement of the provisions of this chapter.

(3) All manufactured homes shall meet the requirements set forth in the Federal Manufactured Home Construction and Safety Standards (24 CFR Section 3280), established by the Secretary of the United States Department of Housing and Urban Development in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, as amended (42 U.S.C.S. 5401 et seq.), or such amendments to the standards as are adopted by the Secretary of the United States Department of Housing and Urban Development after July 1, 1992.

(4) The commissioner is also authorized and empowered to issue, promulgate and enforce all rules and procedures which in his judgment are necessary and desirable to make effective the construction standards so established. The commissioner is also empowered to promulgate and enforce rules and regulations for the safe anchoring and blocking of factory-built homes when they are delivered to the site where they are intended to be used for human habitation. When promulgating and enforcing such rules and regulations the commissioner shall take into consideration the rapidly changing technical advances continually being made by the industry.

**§ 75-49-7. Compliance with commissioner's rules.**

(1) No person may manufacture, sell or offer for sale, or transport or install any factory-built home which has been constructed after July 1, 1970, unless such manufactured home, its components, systems and appliances were constructed and assembled in accordance with rules of the commissioner issued to afford reasonable protection to persons and property with respect to the construction, assembly and sale of such factory-built homes, and unless compliance with such rules be evidenced in the manner required by the commissioner's rules.

(2) From and after July 1, 1992, no dealer, transporter or installer shall deliver or cause to be delivered any factory-built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the commissioner pursuant to Section 75-49-5; provided, however, that a period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of such homes.

(3) The requirements of this chapter with regard to any transporter of factory-built housing are in addition to the requirements of any other law currently in effect.

**§ 75-49-9. Annual licensing and renewal requirements and procedures; fees; penalties; establishment and implementation of installation program; installation inspection and fee.**

(1) After July 1, 1992, every manufacturer, every transporter or installer, developer and every retailer who sells, manufactures, transports or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the commissioner.

(2) If a factory-built home is new, the applicant shall certify in the application to the commissioner that the applicant will comply with the construction standards set forth under rules and regulations provided in Section 75-49-5 herein, and that the applicant has obtained a current and valid tax identification number.

(3) Applications shall be obtained from and submitted to the commissioner on forms prescribed by the commissioner.

(4) The original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants that build manufactured homes and Two Hundred Fifty Dollars (\$250.00) for manufacturing plants that manufacture modular homes located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi and One Hundred Fifty Dollars (\$150.00) per manufactured home and/or modular home retailer location and developer location and modular home contractor within the State of Mississippi. The licensing fee for a manufactured home and/or modular home independent contractor transporter or installer is One Hundred Dollars (\$100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars (\$400.00) per floor plan; however, this fee shall not apply to any modular home plan reviews completed before July 1, 1998. Except as otherwise provided in subsection (10) of this section, the license shall be valid for a period of one (1) year from the date of issuance, or until revoked as provided herein.

(5) After July 1, 1992, every manufacturer, transporter or installer or seller who first sells, manufactures transports or installs a new or used factory-built home in this state, before such first construction, sale, transportation or installation shall apply for and obtain a license from the commissioner. The fee shall be paid to the commissioner in such manner as the commissioner may by rule require. All funds received by the commissioner shall be deposited in a special fund account in the State Treasury to the credit of the Department of Insurance.

(6) Every manufacturer of manufactured homes in the state shall pay a monitoring inspection fee to the Secretary of Housing and Urban Development, or the secretary's agent, for each manufactured home produced in the state by the manufacturer. The fee shall be in an amount established by the secretary pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974, 42 USCS 5401 et seq. and as amended by the Manufactured Housing Improvement Act of 2000. The portion of the fee which is returned to the state shall be deposited by the commissioner in a special fund account in the State Treasury to the credit of the Department of Insurance.

(7) The commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the commissioner.

(8) The commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full-time managing employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the responsible, full-time managing officers or members of the executive staff of the applicant's firm. Every application by an individual for a license to sell, transport or install new or used mobile, manufactured and modular homes shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of a partner or an officer thereof. The applications for licenses shall be in such form and detail as the commissioner shall prescribe.

(9) The holder of any valid license issued by the commissioner on July 1, 1988, shall be automatically issued an equivalent license in the same category for which his previous license was issued if the licensee is in compliance with this chapter.

(10) Beginning July 1, 1988, every license issued under this chapter shall be issued annually and shall expire on June 30 following the date upon which it was issued. License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application. The commissioner shall, on or before April 30, 1989, and on or before April 30 of each succeeding year thereafter, forward a "Notice of Renewal," by regular United States mail, to each licensee at his or its last known post office address. After depositing the "Notice of Renewal" in the United States mail, the commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. The failure of the licensee to obtain a renewal license on or before June 30 of the ensuing license period shall act as an automatic suspension of the license unless the commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension any practice by the licensee under the color of such license shall be deemed a violation of this chapter. Annual renewals of a retailer's license shall require, as a condition precedent, that the retailer verify by oath or affirmation that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the commissioner and that the lot has three (3) or more new or used factory-built homes located thereon for retail sale as a residential dwelling or for any other use at the time of application.

(11) The commissioner may enter into an agreement with the Secretary of Housing and Urban Development to establish or implement an installation program that meets the requirements set by the Secretary of Housing and Urban Development, or the secretary's agent, pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USCS 5401 et seq., and as amended by the Manufactured Housing Improvement Act of 2000, may conduct installation inspections under this program, may charge an installation inspection fee in an amount established by the secretary, and may contract with a third party to assist with the implementation and enforcement of this program.

#### **§ 75-49-11. Administration of chapter.**

The commissioner, acting through the Chief Deputy State Fire Marshal and the Factory Built Division of the Insurance Department, is hereby charged with the administration of this chapter. The commissioner may make and amend, alter or repeal, general rules and regulations of procedure for carrying into effect all provisions of this chapter, for obtaining statistical data respecting manufactured, mobile and modular homes, for establishing bonding and insurance requirements for the licensure of manufacturers, modular contractors, developer retailers and



transporters or installers of factory-built homes, and to prescribe means, methods and practices to make effective such provisions, and he may make such investigations and inspection as in his judgment are necessary to enforce and administer this chapter.

The commissioner is authorized and empowered to require each manufacturer, modular contractor, developer, retailer and transporter or installer of factory-built homes to establish and maintain such records, make such reports and provide such information as he may reasonably require to determine whether the manufacturer, modular contractor, developer, retailer, transporter or installer has acted or is acting in compliance with this chapter and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, and other rules and regulations prescribed according to this chapter. The commissioner, or a person duly designated by the commissioner, is authorized to inspect appropriate books, papers, records and documents of any manufacturer, modular contractor, developer, retailer, transporter or installer of factory-built homes which are relevant to determining if the licensee has acted or is acting in compliance with this chapter and the Federal Manufactured Home Construction and Safety Standards (24 CFR Section 3280) and other rules and regulations prescribed according to this chapter.

#### § 75-49-13. Hearings and appeals.

(1) The commissioner shall not:

(a) Deny an application for a license without first giving the applicant a hearing, or an opportunity to be heard, on the question of whether he is qualified under the provisions of this chapter to receive the license applied for.

(b) Revoke or suspend a license without first giving the licensee a hearing, or an opportunity to be heard, on the question of whether there are sufficient grounds under the provisions of this chapter upon which to base such revocation or suspension.

(2) Any interested party shall have the right to have the commissioner call a hearing for the purpose of taking action in respect to any matter within the commissioner's jurisdiction by filing with the commissioner a verified complaint setting forth the grounds upon which the complaint is based.

(3) The commissioner may on his own motion call a hearing for the purpose of taking action in respect to any matter within his jurisdiction.

(4) When a hearing is to be held before the commissioner, the commissioner shall give written notice thereof to all parties whose rights may be affected thereby. The notice shall set forth the reason for the hearing and the questions or issues to be decided by the commissioner at such hearing and the time when and the place where the hearing will be held. All such notices shall be mailed to all parties, whose rights may be affected by such hearing by registered or certified mail, and addressed to their last known address.

(5) All parties whose rights may be affected at any hearing before the commissioner shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own behalf. The commissioner shall make and keep a record of each such hearing and shall provide a transcript thereof to any interested party upon his request and at his expense. Testimony taken at all such hearings shall be taken either steno graphically or by machine.

(6) If any party who is notified of a hearing in accordance with the requirements of this chapter fails to appear at such hearing, either in person or by counsel, then and in that event the commissioner may make any decision and take any action he may deem necessary or appropriate with respect to any issue or question scheduled for hearing and decision by him at such hearing which affects or may affect the rights of such defaulting party, and such defaulting party shall have no right of appeal under the provisions of this chapter.

(7) All decisions of the commissioner with respect to the hearings provided for in this section shall be incorporated into orders of the commissioner. All such orders shall be made available during normal office hours for inspection by interested persons.

(8) It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the commissioner, when so directed by the commissioner, to execute any summons, citation or subpoena which the commissioner may cause to be issued and to make his return thereof to the commissioner. The sheriffs and constables so serving and returning same shall be paid for so doing fees provided for such services in the circuit court. Any person who appears before the commissioner or a duly designated employee of his department in response to a summons, citation or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court. In case of failure or refusal on the part of any person to comply with any summons, citation or subpoena issued and served as above authorized or in the case of the refusal of any person to testify or answer to any matter regarding which he may be lawfully interrogated or the refusal of any person to produce his record books and accounts relating to any matter regarding which he may be lawfully interrogated, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the commissioner, issue an attachment for such person and compel him to comply with such summons, citation or subpoena and to attend before the commissioner or his designated employee and to produce the documents specified in any subpoena duces tecum and give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt as in case of disobedience of

like process issued from or by any such chancery court, or by refusal to testify therein in response to such process, and such person shall be taxed with the costs of such proceedings.

(9) The following procedure shall govern in taking and perfecting appeals:

(a) Any person who is a party to any hearing before the commissioner and who is aggrieved by any decision of the commissioner with respect to any hearing before him, unless prevented by the provisions of subsection (6) of this section, shall have the right of appeal to the chancery court of the county of such person's residence or principal place of business within this state, but if any such person is a nonresident of this state he shall have the right of appeal to the chancery court of the First Judicial District of Hinds County, Mississippi. All such appeals shall be taken and perfected within sixty (60) days from the date of the decision of the commissioner which is the subject of the appeal, and the chancery court to which such appeal is taken may affirm such decision or reverse and remand the same to the commissioner for further proceedings as justice may require or dismiss such decision. All such appeals shall be taken and perfected, heard and determined, either in term time or in vacation, on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the commissioner. In perfecting any appeal provided by this chapter, the provisions of law respecting notice to the reporter and allowance of bills of exceptions, now or hereafter in force, respecting appeals from the chancery court to the supreme court shall be applicable, provided, however, that the reporter shall transcribe his notes, taken stenographically or by machine, and file the record with the commissioner within thirty (30) days after approval of the appeal bond, unless, on application of the reporter, or of the appellant, an additional fifteen (15) days shall have been allowed by the commissioner to the reporter within which to transcribe his notes and file the transcript of the record with the commission.

(b) Upon the filing with the commissioner of a petition of appeal to the proper chancery court, it shall be the duty of the commissioner, as promptly as possible, and in any event within sixty (60) days after approval of the appeal bond, to file with the clerk of said chancery court to which the appeal is taken, a copy of the petition for appeal and of the decision appealed from, and the original and one (1) copy of the transcript of the record of the proceedings and evidence before the commission. After the filing of said petition, the appeal shall be perfected by the filing of a bond in the penal sum of five hundred dollars (\$500.00) with two (2) sureties or with a surety company qualified to do business in Mississippi as surety, conditioned to pay the costs of such appeal, said bond to be approved by the commissioner or by the clerk of the chancery court to which such appeal is taken.

(10) No decision of the commissioner made as a result of a hearing under the provisions of this section shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies provided for by this section; provided, however, any such decision may be made final if the commissioner finds that failure to do so would be detrimental to the public interest or public welfare, but the finality of any such decision shall not prevent any party or parties affected and aggrieved thereby to appeal the same in accordance with the appellate procedure set forth in this section.

(11) The commissioner shall prescribe his rules of order or procedure in hearings or other proceedings before it under this chapter; provided, however, that such rules of order or procedure shall not be in conflict or contrary to the provisions of this section.

#### **§ 75-49-15. Exemptions or exceptions with respect to factory-built homes produced in other states.**

In the issuance of rules and regulations hereon, the commissioner may provide appropriate exemption or exception with respect to factory-built homes produced in other states, upon his determining that the applicable rules and codes of such state of manufacture provide safeguards equally effective to those otherwise applicable under this chapter and rules made under this chapter.

#### **§ 75-49-17. Enforcement.**

No person may interfere, obstruct or hinder an authorized representative of the commissioner who displays proper department credentials in the performance of his duties as set forth in the provisions of this chapter.

**§ 75-49-19. Violations; penalties; exceptions.**

- (1) Any person who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each such violation. Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each factory-built home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars (\$1,000,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.
- (2) An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder in a manner which threatens the health and safety of any purchaser of a factory-built home is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.
- (3) This chapter shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such factory-built home is not in conformity with applicable factory-built construction and safety standards, or to any person who, before to such first purchase, holds a certificate issued by the manufacturer or importer of such factory-built home to the effect that such factory-built home conforms to all applicable factory-built home construction and safety standards, unless such person knows that such factory-built home does not so conform.
- (4) An individual, or a director, officer or agent of a corporation, who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to the manufacture of, selling or distribution of, safe anchoring and blocking of a factory-built home when intended to be used for human habitation is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

**§ 75-49-21. Permit fees for manufactured or mobile homes.**

The board of supervisors of any county may charge a permit fee not to exceed Fifty Dollars (\$50.00) to the owner of any manufactured or mobile home, as defined in this chapter, if the county performs installation inspections; however, the board of supervisors of any county having a population of more than seventy-five thousand (75,000), according to the most recent federal decennial census, may charge a permit fee not to exceed One Hundred Dollars (\$100.00). The county may require the permit fee to be paid before a manufactured or mobile home is set up within the boundaries of the county and the fee shall cover all the costs of the inspection of the manufactured or mobile home relating to installation, blocking, anchoring and tie-down and safety standards of manufactured or mobile homes.

**Part 7 Chapter 6:** MH (2009-1) Manufactured Home Installation Inspection Program.

**Rule 6.01**Purpose

The purpose of this Regulation is to establish and implement standards and requirements for an installation inspection program for all manufactured homes sited within the State of Mississippi. Said program shall be called the Mississippi Manufactured Home Installation Program (hereinafter “MS Inspection Program”).

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 6.02:** Authority

This Regulation is promulgated by the Commissioner of Insurance, in his duties as State Fire Marshal, pursuant to the authority granted to him by House Bill 1435, 2008 Regular Legislative Session as codified in Miss. Code Ann. § 75-49-9(11); Miss. Code Ann. § 75-49-11 (Rev. 2008); as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101, said Regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department; and upon agreement between the Mississippi State Fire Marshal’s Office, Factory Built Home Division (“Division”) and the Department of Housing and Urban Development (“HUD”), which requires the Division to conduct installation inspections of Manufactured Homes from and after July 1, 2009.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 6.03:** Scope

This Regulation shall apply to all manufactured homes sited within the State of Mississippi installed on or after July 1, 2009.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 6.04:** Definitions

- A. DAPIA – (Design Approval Primary Inspection Agency) is a state or private organization that has been accepted by the Secretary of Housing and Urban Development to evaluate and approve or disapprove manufactured home designs and quality control procedures.
- B. Developer – for the purposes of this Regulation, means any person who buys manufactured homes and real estate and then offers to sell or lease to the general public land-home “package deals” consisting of a manufactured home with real estate.
- C. Fire Marshal’s Office – the Division of the Department of Insurance that is responsible for the regulation of manufactured housing in the State of Mississippi, and includes the

Commissioner of Insurance, the State Chief Deputy Fire Marshal, and deputy state fire marshals.

- D. Foundational Designs – designs by a licensed architect or engineer that sets forth the foundations requirements for the manufactured home.
- E. General Liability Insurance - a form of insurance that indemnifies against liability on account of injury to the person or property of another.
- F. Inspection Decal - the decal issued by the Fire Marshal’s Office that is to be placed on all new and used factory-built homes by the inspector at the time the installation has been approved. The label is to be affixed near the HUD seal at the rear of the home.
- G. Inspector – any person who is employed as a Deputy State Fire Marshal, or any person or entity designated and authorized by the State Fire Marshal’s Office pursuant to requirements set forth in Section 9 of this Regulation who conducts installation inspections pursuant to the MS Inspection Program.
- H. Installation - completion of work performed to stabilize, support, anchor, and close up a manufactured home and to join sections of a multi-section manufactured home sited in this state.
- I. Installation instructions - DAPIA-approved instructions provided by the home manufacturer that accompany each new manufactured home and detail the home manufacturer requirements for support and anchoring systems and other work completed at the installation site to comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000.
- J. Installer – for the purposes of this Regulation, means the person or entity who is retained to engage in, or who engages in, the business of directing, supervising, controlling, or correcting the installation of a manufactured home sited in this state. “Installer” shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition.
- K. Manufactured Home – a new or used structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000. For the purposes of this Regulation, it also includes those structures defined as a mobile home pursuant to Miss. Code Ann. § 75-49-3.
- L. Manufacturer – any person engaged in the production (construction) of manufactured homes.

- M. Person – includes, unless the context indicates otherwise, corporations, companies, associations, firms, and partnerships, as well as individuals, but does not include any agency of government or tribal governmental entity.
- N. Retailer – any person engaged in the retail sale of new or used manufactured homes to the general public.
- O. Set up - any assembly or installation of a manufactured home onsite.
- P. Surety Bond - A type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 6.05:** Mississippi Manufactured Home Installation Program Standards

The Mississippi Manufactured Home Installation Program Standards (hereinafter “MS Installation Standards”) shall be the standards and requirements as set forth by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, as same may be revised and amended; and Mississippi Department of Insurance Regulation MH-5, as amended.

Source: Miss. Code Ann. §75-49-9(11) (Rev. 2009)

**Rule 6.06:** Licensure of Installers

Each installer must be licensed pursuant to Miss. Code Ann. § 75-49-9. Any person who knowingly and willfully fails to obtain a license in violation of Miss. Code Ann. § 75-49-9 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both, pursuant to Miss. Code Ann. § 75-49-19.

Source: Miss. Code Ann. §75-49-9 and § 75-49-19(Rev. 2009)

**Rule 6.07:** Surety Bond or Insurance

An applicant for an installation license must provide evidence of and must maintain a surety bond in the amount of Ten Thousand Dollars (\$10,000.00), or a general liability insurance policy with a minimum limit of coverage in the amount of Five Hundred Thousand Dollars (\$500,000.00) that will cover, among other things, the cost of repairing all damage to the home and its supports caused by the installer during the installation to bring the home into compliance.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

## **Rule 6.08: Installation Inspection Requirements**

Beginning July 1, 2009, each manufactured home that is sited within the State of Mississippi shall be subject to inspection under the MS Inspection Program prior to occupation. Said inspection shall be conducted by an inspector assigned by the State Fire Marshal's Office to verify that the installation of the manufactured home meets the MS Installation Standards.

Furthermore, each installer shall certify with the State Fire Marshal's Office that they have installed said manufactured home in accordance with the requirements set forth by the MS Installation Standards.

### **A. Installation Inspection Procedure:**

1. Scheduling of Inspection: Three (3) business days prior to the completion of installation, minus skirting, the installer must contact the Fire Marshal's Office with the information set forth in Exhibit "A" to arrange for an inspection of the work performed. However, the installer and retailer who contracted with the purchaser for the sale of the manufactured home may agree in writing that the retailer will arrange for the inspection within three (3) business days prior to the completion of installation. Such inspection shall be performed as soon as practicable by an inspector. The scope of the inspections that are required to be performed is addressed in §8(B) of this Regulation.
  - a. Fees. The State Fire Marshal shall set a reasonable standard fee, which shall not be more than an amount allowed by HUD, for said inspection. The fee shall be paid by the installer, developer, or retailer and, absent a written agreement with the purchaser that specifically states the purchaser will directly pay for the inspection, the State Fire Marshal will not charge the fee to the purchaser of the manufactured home.
  - b. Contract rights not affected. Failure to arrange for an inspection of a home within three (3) business days of the completed inspection will not affect the validity or enforceability of any sale or contract for the sale of any manufactured home.
  - c. State or local permits. All necessary permit requirements under state law shall be obtained prior to installation.
2. Inspection Checklist: The installation of every manufactured home shall be inspected for each of the installation elements included in the checklist below. The checklist must include assurance that each of the following elements complies with the MS Installation Standards:

- a. Transit/pre-occupancy damage
- b. Proper wind zones placement
- c. Soil conditions/Soil classifications and bearing capacity
- d. Site drainage
- e. Ground moisture control (vapor barrier)
- f. Pier construction/configuration/spacing
- g. Clearance under homes
- h. Required perimeter supports.
- i. Footings
- j. Ground anchor/stabilizer plates installations
- k. Skirting, if present
- l. Crawlspace ventilation
- m. Utility connections
- n. Interconnection of multi-section homes.
- o. Bottom board damage/repair
- p. Dryer venting/appliance installation
- q. Whole house ventilation
- r. Proprietary systems installation
- s. Final leveling of manufactured home.

3. Reinspection upon failure to pass

- a. Procedures for failed inspection. If the inspector cannot verify the proper installation of the manufactured home, the inspector must immediately notify the installer of any failures to comply with the installation standards and provide a written explanation with the reasons why the inspector cannot approve installation. If a manufacturer, developer or retailer retained the installer, a copy of the written explanation shall also be sent to them. After the installation is corrected, it must be re-inspected by an inspector before verification can be issued.
- b. Cost of reinspection. If there is any cost for the reinspection of a failed installation, that cost must be paid by the installer or, if the installer was retained by the manufacturer, developer or retailer, by them and, absent a written agreement with the purchaser that specifically states otherwise, that cost cannot be charged to the purchaser of the manufactured home. The fee shall be reasonable and shall not exceed the cost of the original inspection. If the manufacturer, developer or retailer retains the installer, they are jointly and severally responsible with the installer for correcting installation defects discovered at inspection.
- c. Scheduling of Reinspection: Within three (3) business days after completion of all work required by inspector, the installer must contact the Fire Marshal's Office to arrange for an inspection of the work



performed. Such inspection shall be performed as soon as practicable by an inspector.

#### B. Installer Certification of Installation

1. When the installation work is complete, the installer shall certify in writing to the State Fire Marshal's Office in the form and manner provided in Exhibit "B" of this Regulation that:
  - a. The manufactured home has been installed in accordance with:
    - i. An installation design and instructions that have been provided by the manufacturer and approved by the Secretary for Housing and Urban Development directly or through review by the DAPIA; or,
    - ii. An installation design and instructions that have been prepared and certified by a professional engineer or registered architect, that have been approved by the manufacturer and the DAPIA as providing a level of protection for residents of the home that equals or exceeds the protection provided by in MH-5, as amended.
    - iii. If the installation instructions do not comply with the installation standards, the manufacturer is responsible for any aspect of installation that is completed in accordance with the installation instructions and that does not comply with the installation standards.
    - iv. If a manufactured home is used and the manufacturer instructions cannot be located, the installer shall comply with the provisions of MH-5, as amended, in installing the manufactured home.
    - v. If the manufacturer, developer or retailer retains the installer, they are jointly and severally responsible with the installer for correcting installation defects.
  - b. The installation of the home has been inspected and an inspector has verified the installation as proper.
  - c. All installation defects brought to the installer's attention have been corrected.
  - d. The installer must also provide a signed copy of its certification to the retailer or developer that contracted with the purchaser or lessee for the sale or lease of the home, and to the purchaser or other person with whom

the installer contracted for the installation work. This certification is verification that the installation has passed final inspection.

C. Inspection Decal:

1. Upon passing of final inspection, the inspector shall permanently attach a serial numbered inspection decal near the HUD label on new or used manufactured homes built after June 1976, and opposite the hitch-end of manufactured homes built prior to or on June 1976, an inspection decal to each manufactured home accepted as proof that the manufactured home installation meets the MS Installment Standards as set forth in MH-5, as amended.
2. The State Fire Marshal's Office will supply inspection decals to each inspector. Each decal will have the installer's name, address, date of installation and license number, and will bear the following statement:

<p><b>THIS FACTORY-BUILT, MOBILE OR MODULAR HOME HAS BEEN INSTALLED IN COMPLIANCE WITH THE UNIFORM STANDARDS CODE FOR THE FACTORY-BUILT HOMES LAW. ANYONE TAMPERING WITH OR REMOVING THIS INSPECTION DECAL FROM THIS UNIT WILL BE PROSECUTED AS SET FORTH IN THESE RULES AND REGULATIONS, AND SHALL BE SUBJECT TO SUSPENSION OR REVOCATION OF THEIR PRIVILEGE LICENSE. (SECTION 75-49-1 ET SEQ., CODE OF MISSISSIPPI (1972), AS AMENDED)</b></p>
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Source: *Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)*

**Rule 6.09: Inspector Qualifications**

Any person who is a Deputy State Fire Marshal may conduct inspections pursuant to this Regulation. Furthermore, the State Fire Marshal's Office may designate and authorize persons or entities to conduct these inspections provided they meet the following qualifications.

- A. Qualifications. Any individual or entity who meets at least one of the following qualifications may be designated or authorized by the State Fire Marshal to review the work and verify the installation of a manufactured home:
1. A professional engineer;
  2. A registered architect;
  3. A HUD-accepted Production Inspection Primary Inspection Agency (IPIA) or a Design Approval Primary Inspection Agency (DAPIA);
  4. An International Code Council certified inspector; or
  5. Any person or entity who has three (3) years or more experience in inspecting homes or experience in the manufactured housing industry, provided the

Commissioner finds to his satisfaction that said person or entity is qualified and competent to fulfill the responsibilities of an inspector.

- B. Independence required. The inspector must be independent of the manufacturer, the retailer, the installer, and any other person that has a monetary interest, other than collection of an inspection fee, in the completion of the sale of the home to the purchaser.
- C. Suspension or revocation of inspection authority. The Commissioner may, in writing, suspend or revoke an inspector's authority to inspect manufactured home installations for cause. In deciding whether to suspend or revoke an inspector's authority to conduct such installation inspections, the Commissioner may consider the impact of the suspension or revocation on other affected parties and will seek to assure that the sales and sitting of manufactured homes are not unduly disrupted.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

#### **Rule 6.10: Recordkeeping**

The installer must retain the following for a period of three (3) years after certification of installation is received:

- A. A record of the name and address of the purchaser or other person with whom the installer contracted for the installation work and the address of the home installed;
- B. A copy of the contract pursuant to which the installer performed the installation work;
- C. A copy of any notice from an inspector disapproving the installation work;
- D. A copy of the installer's certification of completion of installation in accordance with the MS Installation Standards as set forth in MH-5, as amended; and,
- E. A copy of foundation designs used to install the manufactured home, if different from the designs provided by the manufacturer, including evidence that the foundation designs and instructions were certified by a professional engineer or registered architect, including the name, address, and telephone number of the professional engineer or architect certifying the designs.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

#### **Rule 6.11: Verification of Installer License**

When the retailer or manufacturer agrees to provide any set up in connection with the sale of a manufactured home, the retailer or manufacturer must verify that the installer is licensed pursuant to Miss. Code Ann. § 75-49-9.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 6.12: Temporary Storage of Units**

Every manufacturer, distributor, retailer, or installer that has possession of a new home for more than thirty (30) days is required to support each transportable section of a manufactured home that is temporarily located on a site used by that manufacturer, distributor, retailer, or installer in accordance with the manufacturer's instructions. Every manufacturer, developer, retailer or installer that has possession of a used home for more than thirty (30) days that will be used for human habitation will be required to provide minimum support for the home by providing blocking at the four (4) end corners of the home.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 6.13: Site Preparation by Consumer**

The manufacturer, retailer or installer may agree in writing to allow the consumer to conduct the site preparation for the manufactured home installation. However, before the installer may begin installation of the manufactured home, the site preparation must meet the requirements set forth in MH-5, as amended. If there is conflict between the installer and the consumer regarding the site preparation, the State Fire Marshal's Office may be required to mediate. Any fee charged by the State Fire Marshal's Office due to said mediation will be paid by the consumer.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 6.14: Waiver of Rights Invalid**

Any provision of a contract or agreement entered into by a manufactured home purchaser that seeks to waive any recourse under the MS Installation Program is void, except a waiver provision may be allowed for any agreement entered into pursuant to the provisions of Section 13 of this Regulation.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 6.15: Violations and Penalties**

Failure of a retailer or installer or both to comply with a material provision of this Regulation is considered a violation of Miss. Code Ann. § 75-49-7(2). The State Fire Marshal may deny a license application or suspend or revoke a license, or may impose an administrative fine, or both as provided in Miss. Code Ann. § 75-49-19, after giving notice of hearing to the applicant or licensee by serving a written statement of charges on the licensee at least twenty (20) days prior to hearing, in the manner provided for in Miss. Code Ann. § 75-49-13 for any violation of this Regulation.

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 6.16: Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §75-49-5 (Rev. 2009)

**Rule 6.17: Effective Date**

The Effective Date of this amended Regulation shall be November 5, 2009.

Source: Miss. Code Ann. §25-43-3,113 (Rev. 2010)

**Rule 6.18**

**EXHIBIT “A”**  
**STATE OF MISSISSIPPI**  
**FIRE MARSHAL’S OFFICE / FACTORY-BUILT HOME DIVISION**  
**POST OFFICE BOX 79, JACKSON, MS39205**  
**(601) 359-1061 - WATTS NO: 1-888-648-0877 - FAX NO: (601) 359-1076**

**INSTALLER REQUEST FOR INSPECTION**

**RETAILER/DEVELOPER**

Name: \_\_\_\_\_

License No: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

**CONSUMER**

Name: \_\_\_\_\_

E911 Address: \_\_\_\_\_

**INSTALLER/TRANSPORTER**

Name: \_\_\_\_\_

License No: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Email (if available): \_\_\_\_\_

Serial #: \_\_\_\_\_ Size: \_\_\_\_\_

HUD #: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Wind Zone: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Year/Make/Model: \_\_\_\_\_

County where home is located: \_\_\_\_\_

New: \_\_\_\_\_ Used: \_\_\_\_\_

Date/Time of Installation: \_\_\_\_\_ Manufacturer: \_\_\_\_\_

LOCATION: Directions must start from a known (be specific) starting point so that the Field Inspector may proceed to the location of the manufactured home. For example, use route # and pertinent street and road names. Use left, right or preferably compass directions, (north, south, east, west). Refrain from the use of such landmarks as dealerships, vehicles, and service stations, as they are subject to name changes and physical relocation. As an option, a GPS Coordinate may be provided in Degree/Decimal format (32.30411,-9018356)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INSTRUCTIONS: PLEASE COMPLETE BELOW. A DEPUTY WILL BE ASSIGNED AND AN INSPECTION WILL BE SCHEDULED IN A REASONABLE TIME.

I HEREBY CERTIFY THAT THIS HOME IS INSTALLED ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS OR, IF A USED HOME, MH-5, AS AMENDED AND IS READY FOR INSPECTION ON THIS DATE: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

## Rule 6.19

## EXHIBIT "B"

### STATE OF MISSISSIPPI

FIRE MARSHAL'S OFFICE / FACTORY-BUILT HOME DIVISION

POST OFFICE BOX 79, JACKSON, MS 39205

(601) 359-1061 - WATTS NO: 1-888-648-0877 - FAX NO: (601) 359-1076

### INSTALLER CERTIFICATE OF INSPECTION

RETAILER/DEVELOPER

INSTALLER/TRANSPORTER

Name: \_\_\_\_\_

Name: \_\_\_\_\_

License No: \_\_\_\_\_

License No: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Fax #: \_\_\_\_\_

CONSUMER

Inspection Decal No: \_\_\_\_\_

Name: \_\_\_\_\_

Serial #: \_\_\_\_\_ Size: \_\_\_\_\_

E911Address: \_\_\_\_\_

HUD #: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Wind Zone: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Year/Make/Model: \_\_\_\_\_

County where home is located: \_\_\_\_\_

New: \_\_\_\_\_ Used: \_\_\_\_\_

Date/Time of Installation: \_\_\_\_\_

Manufacturer: \_\_\_\_\_

GPS Coordinates: \_\_\_\_\_

I HEREBY CERTIFY THAT THIS HOME IS INSTALLED ACCORDING TO THE  
MANUFACTURER'S SPECIFICATIONS OR, IF A USED HOME, MH-5, AS AMENDED,  
AND IS READY FOR INSPECTION ON THIS DATE: \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2009.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

I HEREBY CERTIFY THAT THIS HOME HAS PASSED INSPECTION.

\_\_\_\_\_  
INSPECTOR

\_\_\_\_\_  
DATE

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Part 7Chapter 7:** (FM 2010-1) Rules and Regulations for the Mississippi Fire Prevention Code.

**Rule 7.01**Promulgation And Purpose - General

- A. These Rules and Regulations for the Mississippi Fire Prevention Code are promulgated by the State Fire Marshal of the State of Mississippi in accordance with the International Fire Code (IFC) as published by the International Code Council formerly the Southern Building Code Congress International, Birmingham, Alabama, and the Mississippi Administrative Procedures Act, Miss. Code Ann. §§ 25-43-1, et seq., as amended, and shall become effective after adoption and are promulgated in accordance with the provisions of the Mississippi Administrative Procedures Act, Miss. Code Ann. §§ 25-43-1, et seq.

- B. The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and other related hazards through direct action and implementation, interpretation, and enforcement of the Mississippi Fire Prevention Code.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

## **Rule 7.02**Definitions

### **7.02.1** Mississippi Fire Prevention Code – Miss. Code Ann. § 45-11-103.

- A. Miss. Code Ann. § 45-11-103 states that the standards embodied in said code shall be based upon and shall not be less stringent than the standards established by the standard fire prevention code as promulgated by the Southern Building Code Congress International, Inc., as the same may be revised or amended. In 1994, the Southern Building Code Congress International, Inc. became the International Code Council and the standard fire prevention code was promulgated into the International Fire Code. The Mississippi Fire Prevention Code shall be based upon 2006 edition of the International Fire Code (IFC), as same be revised or amended.
- B. Any local government adopting the International Fire Code as published by International Code Council beginning with the 1976 Standard Fire Prevention Code (SBCCI) and Appendix A up to and including the 2006 edition of the International Fire Code (IFC) as published by the International Code Council and, as same may be revised or amended, shall be in full compliance with these rules and regulations of the Mississippi Fire Prevention Code and as such will assume responsibility for local code enforcement for places of public assembly within their respected jurisdictions. Editions of the Standard Fire Prevention Code recognized by the State Fire Marshal include: 1976, 1979, 1982, 1985, 1988, 1991, 1993, 1995, 1997, 1999, and the International Fire Code 2000, 2003, and 2006 as published by the International Code Council and as same may be revised or amended.
- C. The State Fire Marshal shall have the authority to deviate from the minimum requirements of such International Fire Code and the Standard Fire Prevention Code when the imposition and enforcement of a specific requirement would violate any existing state statutory provision or cause undue hardship or when such deviation would enable builders to take advantage of new methods, materials or equipment which is of recognized adequacy.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

### **7.02.2** State Fire Officials – Miss. Code Ann. § 45-11-1.

- A. The inspection authority of the State Fire Marshal's Office is defined as follows:



1. The Commissioner of Insurance is by virtue of his office the State Fire Marshal.
2. The Commissioner of Insurance/State Fire Marshal shall appoint the State Chief Deputy Fire Marshal who shall serve as the fire official for the State of Mississippi as defined in the International Fire Code (IFC) who along with his Deputy State Fire Marshals shall be designated as a Division of the Insurance Department.
3. The State Chief Deputy Fire Marshal shall serve as the Fire Official for the Mississippi Fire Prevention Code. The State Chief Deputy and his Deputy State Fire Marshals shall mean the inspecting and enforcing authority appointed by the State Fire Marshal.
4. "State Inspector" shall mean a duly authorized representative/inspector in the employ of the State Fire Marshal under the direction of the State Chief Deputy Fire Marshal.
5. "Special State Inspector" shall mean an authorized Inspector in the employ of other state agencies of the State of Mississippi who has met the requirements of Section A101.2.2 "Inspector Qualifications" as set forth in Appendix A of the 1999 edition of the Standard Fire Prevention Code and may be appointed at the discretion of the State Chief Deputy Fire Marshal to conduct inspections of buildings owned by the State of Mississippi or its political subdivisions. "Special State Inspectors" appointed under Section 201-D-5 are not entitled to receive additional compensation from the State Fire Marshal's Office for performing inspection duties under this section.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

### **7.02.3 Local Fire Official**

- A. The Local Fire Official is defined as the Fire Chief of a municipal or county paid or volunteer fire department.
- B. "Special Local Inspector" shall mean an individual who has been approved by and recommended for appointment as a "Special Local Inspector" by the local Fire Chief or authorized official and who has met the requirements of Section A101.2.2 of the 1999 Edition of the Standard Fire Prevention Code and the International Fire Code and may be appointed at the discretion of the State Chief Deputy Fire Marshal to conduct inspections of buildings owned by the State of Mississippi or its political subdivisions. "Special Local Inspectors" appointed under Section 202-F are not entitled to receive additional

compensation from the State Fire Marshal's Office for performing inspection duties under this section.

1. "Special Local Inspector" shall be issued an Official Identification Card by the State Chief Deputy Fire Marshal. Said identification card shall be issued with the understanding that said card shall be surrendered upon the demand of the State Chief Deputy Fire Marshal.
2. No badge or card bearing the name of the State Fire Marshal's Office shall be issued to or authorized for use by the "Special Local Inspector" except for the Official Identification Card issued by the State Chief Deputy Fire Marshal.
3. Inspections conducted by "Special Local Inspectors" for the State Fire Marshal's Office shall be limited to the inspections of building owned by state or state agencies or the inspections of any other building within their local jurisdiction upon the request by the State Chief Deputy Fire Marshal.
4. Inspections conducted by "Special Local Inspectors" for the State Fire Marshal's Office shall be completed on inspection forms issued by the State Fire Marshal's Office or on fire inspection forms used by the local fire department. Copies of all inspection shall be submitted no later than fifteen (15) days from the date of the inspection to the State Fire Marshal's Office for review and enforcement of all fire code violations.
5. "Special Local Inspectors" shall attend all mandatory training offered by the State Fire Marshal's Office.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

**7.02.4 Buildings/Public Assemblies – Miss. Code Ann. § 45-11-101.**

A. Buildings/Public Assemblies are defined pursuant to Miss. Code Ann. §45-11-101 as:

1. All buildings owned by the State or State Agencies or political subdivisions.  
[Miss. Code Ann. § 45-11-101(1)(a)];
2. All buildings utilized for public assembly, except in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code. However, the State Fire Marshal or his authorized representative shall perform investigations or inspections of such building only when advised by interested persons of a danger or hazardous inflammable condition existing in any building that would tend to impair the safety of persons or property, or when the State Fire Marshal or his authorized

representative believes the investigation or inspection is in the interest of public safety. The investigation or inspection shall be made in accordance with Miss. Code Ann. § 45-11-3. [Miss. Code Ann. § 45-11-101(1)(b)];

3. All buildings, the permits for the construction of which are issued subsequent to the effective date of Miss. Code Ann. §§ 45-11-101 through 45-11-111, and which are not less than seventy-five (75) feet in height. However, in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply and not the Mississippi Fire Prevention Code.,Miss Code Ann. § 45-11-101(1)(c)];
4. All buildings, the permits for construction of which are issued subsequent to July 1, 2004, constructed as private correctional facilities that house state inmates. Before such construction, construction plans must be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code; however, in any county or municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provision and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. All private correctional facilities may be inspected as required by the State Fire Marshal or his duly authorized representative. Inspection fees of \$400.00 and expenses authorized by Miss. Code Ann. § 45-11-105 (2) shall be assessed for each inspection conducted by the state Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code Ann. § 45-11-101(1)(d)];
5. Any building, the permits for construction of which are issued subsequent to July 1, 2004, upon the request of any interested person. The interested person may submit the construction plans to the State Fire Marshal's Office for review and approval before construction to ensure compliance with the Mississippi Fire Prevention Code; however, in any county of municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. Inspection fees of \$400.00 and expenses authorized by Miss. Code Ann. § 45-11-105 (2) shall be assessed for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office.Miss. Code Ann. § 45-11-101(1)(e)];
6. All buildings, the permits for construction of which are issued subsequent to July 1, 2005, constructed as private fraternity and sorority houses located on state property. Before such construction, construction plans shall be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code. All private fraternity and sorority houses

located on state property may be inspected as required by the State Fire Marshal or his duly authorized representative. All fraternity and sorority houses located on state property shall be equipped with an approved fire alarm and smoke detector system to be in compliance with the National Fire Code (NFPA) Standard 72 as published by the National Fire Protection Association and as same may be revised or amended. All fraternity and sorority houses constructed on state property after April 29, 2005, shall be equipped with an approved automatic fire sprinkler system to be in compliance with the National fire Code (NFPA) Standard 13 as published by the National Fire Protection Association and as same may be revised or amended. [Miss. Code Ann. § 45-11-101(1)(f)];

7. Assemblies as defined in Chapter 2 under Definitions of the 2006 International Fire Code (IFC).
8. The State Fire Marshal shall annually examine the fire prevention codes adopted by counties and municipalities within the State of Mississippi and prepare a list thereof specifying which codes have provisions not less stringent than those of the Mississippi Fire Prevention Code.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

#### **7.02.5 Pyrotechnics – Miss. Code Ann. § 45-13-11.**

Pyrotechnics/public displays as defined in Miss. Code Ann. § 45-13-11 as follows:

*“The governing body of any municipality or the board of supervisors of any county outside a municipality may grant permits under which fireworks, the sale, possession or use of which is otherwise prohibited hereby, may be sold and used for exhibition purposes; however, such permit shall be issued in compliance with the National Fire Protection Association Standard 1123, as may be revised or amended; National Fire Protection Association Standard 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, as may be revised or amended; and the Mississippi Fire Prevention Code, as may be revised or amended. Such permits shall require that the persons in charge of such exhibitions shall be experienced in the handling of fireworks and the members of the public attending the exhibitions shall be kept at a safe distance therefrom. Any fireworks held in storage for such exhibitions shall be kept in a closed box until removed therefrom for firing.”*

Source: Miss. Code Ann. §45-11-101, et seq., and §45-13-11 (Rev. 2011)

#### **7.02.6 Compliance/Permits.**

- A. Compliance applications are forms provided by the State Fire Marshal's Office for building inspections located outside the jurisdiction of counties or municipalities which

have adopted a fire prevention code with standards not as stringent as the Mississippi Fire Prevention Code.

- B. The Permit for buildings is to ensure that said buildings are in compliance with the Mississippi Fire Prevention Code.
- C. The Permit for State Properties is to ensure that said State Properties are in compliance with the Mississippi Fire Prevention Code.

Source: Miss. Code Ann. §45-11-1, et seq. and §45-13-11(Rev. 2011)

### **Rule 7.03**Applicability

#### **7.03.1** Scope

Miss. Code Ann. § 45-11-105, states "The Mississippi Fire Prevention Code shall be enforced by the State Fire Marshal and such other persons as authorized thereby, including for this reason any county or municipal fire prevention personnel. The State Fire Marshal is authorized and empowered to promulgate rules and regulations for the enforcement of the Mississippi Fire Prevention Code." The Mississippi Fire Prevention Code applies to:

- A. All buildings owned by the State or State Agencies. [Miss. Code Ann. § 45-11-101(1)(a)];
- B. All buildings utilized for Public Assembly, except in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code. [Miss. Code Ann. § 45-11-101(1)(b)];
- C. All high-rise buildings over seventy-five (75) feet in height, the permits for the construction of which are issued subsequent to the effective date of Miss. Code Ann. §§ 45-11-101 through 45-11-111; however, that in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply and not the Mississippi Fire Prevention Code [Miss. Code Ann. § 45-11-101(1)(c)];
- D. All buildings, the permits for construction of which are issued subsequent to July 1, 2004, constructed as private correctional facilities that house state inmates. Before such construction, construction plans must be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code; however, in any county or municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provision and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. All private correctional facilities may be inspected as required by the

State Fire Marshal or his duly authorized representative. Inspection fees and expenses authorized by Miss. Code Ann. § 45-11-105 (2) shall be assessed for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code Ann. § 45-11-101(1)(d)];

- E. Any building, the permits for construction of which are issued subsequent to July 1, 2004, upon the request of any interested person. The interested person may submit the construction plans to the State Fire Marshal's Office for review and approval before construction to ensure compliance with the Mississippi Fire Prevention Code; however, in any county or municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. Inspection fees and expenses authorized by Miss. Code Ann. § 45-11-105 (2) shall be assessed for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code Ann. § 45-11-101(1)(e)];
- F. All buildings, the permits for construction of which are issued subsequent to July 1, 2005, constructed as private fraternity and sorority houses located on state property. Before such construction, construction plans shall be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code. All private fraternity and sorority houses located on state property may be inspected as required by the State Fire Marshal or his duly authorized representative. All fraternity and sorority houses located on state property shall be equipped with an approved fire alarm and smoke detector system to be in compliance with the National Fire Code (NFPA 72) as published by the National Fire Protection Association and as same may be revised or amended. All fraternity and sorority houses constructed on state property after April 20, 2005, shall be equipped with an approved automatic fire sprinkler system to be in compliance with the National Fire Code (NFPA) Standard 13 as published by the National Fire Protection Association and as same may be revised or amended. [Miss. Code Ann. § 45-11-101(1)(p)].

Source: Miss. Code Ann. §45-11-101, *et seq.* (Rev. 2011)

### **7.03.2: High Rise Buildings/Sprinkler Systems**

The Mississippi Fire Prevention Code, pursuant to Miss. Code Ann. § 45-11-103, requires that sprinkler systems be installed in all high-rise buildings as follows:

- A. All buildings over seventy-five (75) feet in height, the permits for the construction of which are issued subsequent to 1 July, 1978;
- B. All existing buildings over seventy-five (75) feet in height in which twenty-five (25%) percent or more of the floor space is being reconstructed or added thereto.
- C. Exception: Public utility company buildings in which water would cause severe damage to equipment such as telephone equipment, computers or electric services, and silos, grain elevators and other structures used solely for the storage of agricultural products are exempt from the provisions of the Mississippi Fire Prevention Code.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

#### **Rule 7.04** Plan Review - Inspection

- A. Plans for all sprinkler systems required by Miss. Code Ann. § 45-11-103, shall be submitted to the State Fire Marshal's Office.
- B. For buildings which are under the statutory review of the State Fire Marshal's Office pursuant to Miss. Code Ann. § 45-11-101(1)(a-f), prior to issuance of a building permit approval of plans by the State Fire Marshal's Office shall be required. In lieu of plan submittal, the State Fire Marshal's Office may allow, upon request, architects and engineers to verify code compliance by submitting an affidavit of compliance for all classes of buildings as defined under the Mississippi Fire Prevention Code, Miss. Code Ann. § 45-11-101(1)(a-f).
- C. All buildings that are inspected by the State Fire Marshal's Office pursuant to Miss. Code Ann. § 45-11-101(1)(a-f) which are not buildings owned by the state or religious assemblies shall be subject to the inspection fees as defined in Miss. Code Ann. § 45-11-105(2).
- D. Plan review fees for other structures as defined in Miss. Code Ann. § 45-11-101(1)(a-d) that authorizes inspection fees shall be charged a minimum of \$400.00 per plan review and for each inspection conducted by the State Fire Marshal's Office. Said fees shall be paid to the State Fire Marshal's Office pursuant to Miss. Code Ann. § 45-11-105(2).

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

#### **Rule 7.05:** Enforcement

##### **7.05.1**Stipulations of Enforcement

Pursuant to Miss. Code Ann. § 45-11-105, the State Chief Deputy Fire Marshal or his State Deputy Fire Marshal or his duly authorized representative shall enforce the Mississippi Fire Prevention Code pertaining to the prevention, inspection or investigation of fires, whenever:

- A. The State Chief Deputy Fire Marshal has probable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, or hazardous;
  - 1. Required to meet provisions of state agency license requirements;
  - 2. A citizen reports an alleged violation;
  - 3. The chief of a fire department or other law enforcement authority of any county or municipality reports an alleged violation.
- B. The Mississippi Fire Prevention Code shall be enforced on the state and local levels of government as defined under Sections 501 and 502 of this Section.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

#### **7.05.2 State Enforcement**

- A. The State Chief Deputy Fire Marshal or his State Deputy Fire Marshal or his duly authorized representative shall be charged with the enforcement of the Mississippi Fire Prevention Code in those areas in buildings specified in Miss. Code Ann. § 45-11-101(1)(a-c).
- B. The Fire Code Enforcement and Inspection Division of the State Fire Marshal's Office shall carry out the duties and responsibilities of the Mississippi Fire Prevention Code in those areas in building specified in Miss. Code Ann. § 45-11-101(1)(a-c).
- C. The State Chief Deputy Fire Marshal and Deputy Fire Marshals shall have the status and power of a law enforcement officer in performing their duties pertaining to the prevention, inspection, or investigation of fires under the Mississippi Fire Prevention Code, Miss. Code Ann. § 45-11-105.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

#### **7.05.3 Local Enforcement**

- A. Municipalities which have adopted a Fire Prevention Code not less stringent as the Mississippi Fire Prevention Code shall enforce the provisions of said codes in their respective jurisdictions, except for buildings owned by the State or state agencies.
- B. Counties which have adopted a Fire Prevention Code not less stringent as the Mississippi Fire Prevention Code shall enforce the provision of said code in their respective jurisdictions, except for buildings owned by the State or state agencies.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)



#### **7.05.4: Delegations of Inspections**

- A. The State Chief Deputy Fire Marshal may at his discretion designate qualified local fire prevention officials to perform inspections of buildings owned by the State of Mississippi or its political subdivisions. [Miss. Code Ann. § 45-11-105];
- B. Local Fire Officials who meet the requirements of Section A101.2.2 "Inspector Qualifications" as set forth in Appendix A of the 1999 Edition of the Standard Fire Prevention Code may be appointed at the discretion of the State Chief Deputy Fire Marshal. [Miss. Code Ann. § 45-11-105];
- C. Local fire officials designated as Inspectors may be appointed by the State Chief Deputy Fire Marshal to conduct inspections of buildings owned by the State or State agencies shall submit copies of all inspection reports on forms provided by the State Fire Marshal's Office.
- D. Implementation and enforcement of the Mississippi Fire Prevention Code, Miss. Code Ann. § 45-11-105, shall be the responsibility of the State Chief Deputy Fire Marshal or his State Deputy Fire Marshals.

Source: Miss. Code Ann. §45-11-101, *et seq.* (Rev. 2011)

#### **7.05.5 Permit/Compliance Requirements**

Permits are required for commercial places of Public Assembly as follows:

- A. Permit/Compliance inspections are required for all buildings defined in Miss. Code Ann. § 45-11-101(a-f) pursuant to Miss. Code Ann. § 45-11-105(2).
  - 1. All other buildings defined in Miss. Code Ann. § 45-11-101(1)(a-f) that are inspected by the State Fire Marshal's Office which are not buildings owned by the state or religious assemblies are subject to the inspection fees as provided in Miss. Code Ann. § 45-11-105(2).
  - 2. Plan review fees for structures defined in Miss. Code Ann. § 45-11-101(1)(a-d) that authorized inspection fees shall be charged a minimum of \$400.00 per plan review and for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office pursuant to Miss. Code Ann. § 45-11-105(2).
  - 3. Permit fees of not less than four hundred dollars (\$400.00) which shall include but not be limited to:
    - a. Each on-site inspection;
    - b. Attorney fees;
    - c. Architect or engineer plan review fees;

- d. Any other fees and reasonable and necessary travel expenses shall be assessed for each inspection conducted by the State Chief Deputy Fire Marshal or his State Deputy Fire Marshals or his duly authorized representative and shall be paid to the Office of the State Fire Marshal.
- 4. Inspection fees and expenses authorized under Miss. Code Ann. § 45-11-105(2) shall not be assessed for the inspection of buildings owned by the State of Mississippi or religious or for inspections conducted by local fire departments or other local agencies with authority to conduct inspections under the “Special Local Inspector” designation
- 5. Permit/compliance for all structures and public displays as defined Miss. Code Ann. § 45-11-105(2) shall be filed on forms provided by the State Fire Marshal’s Office.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

#### **7.05.6 Pyrotechnic Requirements.**

Pyrotechnic applications for all structures and public displays as defined by Miss. Code Ann. § 45-13-11 shall be filed on forms provided by the State Fire Marshal.

- A. Permit applications for pyrotechnic displays shall be filed with the Office of the State Fire Marshal and fees not less than \$100.00 shall be assessed in Miss. Code Ann. § 45-11-105(2). Prior to the issuance of a permit, the following information is required for a state facility:
  - 1. For an outdoor fireworks display, the pyrotechnics company must adhere to the National Fire Protection Association (NFPA) 1123; and NFPA 1126 for an indoor fireworks display, the same as may be revised and amended.
    - a. Proof of insurance
    - b. Resume of pyrotechnic technician and their qualifications along with 3 references (last 3 shows)
    - c. Time and location of event
    - d. Copy of ATF permits
    - e. List of shots to be used and their effects
    - f. Information on storage before event
    - g. Information on cleanup and/or disposal after event
    - h. Layout of event with shot locations
    - i. Material Safety Data sheet
  - 2. Companies providing fireworks/flame effects displays at locations other than state facilities must provide the following information:
    - a. Proof of insurance

- b. List of pyrotechnic technicians and their qualifications
  - c. Notification of time and location of event
  - d. List of shots to be used
  - e. Information on storage before event
  - f. Information on cleanup and/or disposal after event
  - g. Layout of event with shot locations
  - h. Material Safety Data Sheet
  - i. Copy of ATF permits
- 3. Application for a permit must be submitted fifteen (15) days before event is to take place. An inspection of the event (pre-show) is to be conducted by the State Fire Marshal's Office before a permit is issued. A representative from the State Fire Marshal's Office must be present for the event.
  - 4. Communication between the individual doing the firing (shooter) and all safety personnel (spotter) to ensure the public's safety.

Source: Miss. Code Ann. §45-11-101, et seq. and § 45-13-11 (Rev. 2011)

#### **7.05.7 Types of Permits**

Temporary Permit/Compliance or Pyrotechnics permits shall be issued in compliance with Section 504 of these rules and regulations at the discretion of the State Fire Marshal or his duly authorized representative.

Source: Miss. Code Ann. §45-11-101, et seq. and § 45-13-11 (Rev. 2011)

#### **7.05.8 Fire Investigations**

- A. It shall be the duty of the State Chief Deputy Fire Marshal to investigate by himself or his deputy, fire occurring within the State as required by the Mississippi Fire Prevention Code, Miss. Code Ann. § 45-11-103, as set forth by 1.04 of the Standard Fire Prevention Code 1976 edition, as follows:
  - 1. All buildings owned by the State or State Agencies. [Miss. Code Ann. § 45-11-101(1)(a)]
  - 2. All buildings utilized for public assembly, except in any county or municipality has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code. [Miss. Code Ann. § 45-11-101(1)(b)]
- B. It shall also be the duty of the State Chief Deputy Fire Marshal to investigate by himself or his deputy the origin of every fire occurring within the State as required by Miss. Code Ann. § 45-11-1, as follows:
  - 1. To which his attention is called by the chief of the fire department; or,

2. Other enforcement officials of any county or municipality; or,
3. By any party in interest whenever, in his judgment, there be sufficient evidence or circumstances indicating that such fire may be of incendiary origin.

Source: Miss. Code Ann. §45-11-101, et seq.; §45-13-11 and §45-13-103 (Rev. 2011)

**Rule 7.06**Annual Reporting - Local Fire Codes

- A. In accordance with Miss. Code Ann. § 45-11-101, each county or municipality which has adopted a fire prevention code shall file an annual report with the State Fire Marshal's Office.
- B. A list of codes adopted by counties and municipalities will be reviewed and a list will be compiled showing which codes have provisions not less stringent than the Mississippi Fire Prevention Code.

Source:Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

**Rule 7.07**Alternate Systems - Minimum Requirements

- A. The State Fire Marshal shall have the authority to deviate from the minimum requirements of the Mississippi Fire Prevention Code.
- B. Deviations may occur when enforcement of a specific requirement would cause undue hardship.
- C. Deviations may also occur when changes would be permitted allowing the use of new materials, technology, or equipment which are approved by the Standard Fire Prevention Code or other recognized national standards.

Source:Miss. Code Ann. §45-11-103 (Rev. 2011)

**Rule 7.08:** CodeRevisions - Updating of Code

- A. The State Fire Marshal shall annually review the amendments and new editions of the Standard Fire Prevention Code as published by the Southern Building Code Congress International. Miss. Code Ann. § 45-11-101.
- B. Upon review new amendments and editions which are in compliance with the intent of the Mississippi Fire Prevention Code shall be adopted, Miss. Code Ann. § 45-11-103.

Source:Miss. Code Ann. §45-11-101; §45-11-103 (Rev. 2011)

**Rule 7.09:** Appeals

### **7.09.1 Board of Adjustments and Appeals**

The Board of Adjustments and Appeals is a board appointed to hear grievances filed on orders issued by fire officials. The Board shall be appointed in accordance with Chapter 1, Section 105, of the Standard Fire Prevention Code, 1991 Edition.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

### **7.09.2 State Board of Adjustments and Appeals**

- A. The State Board of Adjustments and Appeals shall be appointed by the State Fire Marshal to hear grievances filed on orders issued by the State Chief Deputy Fire Marshal, State Deputy Fire Marshals, and his duly authorized representative.
- B. The State Board shall be appointed by the State Fire Marshal in accordance with Chapter 1, Appendix A, Section A104 Board of Adjustments and Appeals of the Standard Fire Prevention Code, 1999 Edition.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

### **7.09.3 Local Board of Adjustments and Appeals**

- A. Counties or municipalities having adopted a fire prevention code not less stringent than the Mississippi Fire Prevention Code shall appoint a local board of adjustments and appeals to hear grievances on orders issued by local fire officials.
- B. The local board of adjustments and appeals shall not hear grievances on orders issued by the State Fire Marshal.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

## **Rule 7.10 Public Assemblies**

### **7.10.1 Inspection of Exits**

- A. Inspection of exits shall be conducted not more than ninety (90) minutes prior to the scheduled commencement of any non-continuous activity, even, performance, show, meeting, function, or other occasion for which persons will gather in commercial places of public assembly as defined in the 2006 Edition of the International Fire Code as published by the International Code Council, as same may be revised or amended.
- B. The owner (or his designee pursuant of written authority, instructions, or procedures) shall inspect every required exit, way of approach thereto, and way of departure therefrom.

- C. If said inspection reveals that any required means of egress is obstructed, inaccessible, locked, fastened, or otherwise unsuited for immediate use, the scheduled program shall not begin, nor shall admittance to the place of assembly be permitted, until necessary corrective action has been completed.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

#### **7.10.2 Announcements**

- A. Within thirty (30) minutes prior to the start of the program, the owner or his authorized agent shall orally notify all attendees concerning the location of the exit(s) to be used in case of fire or other emergencies.
- B. Example: "The \_\_\_\_\_, in conjunction with the State Fire Marshal's Office wishes to take a moment to call to your attention the location of the exit ways or paths of egress from this building in the event of an emergency.

Please take a moment to locate the exit nearest your seat. Should an emergency arise, please move in an orderly fashion through the nearest exit way. Thank you for your attention."

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

#### **7.10.3 Records**

- A. Accurate records of all inspections, corrections, and notifications shall be kept and retained for at least two (2) years in the offices of the respective building owners. The records shall contain:
  - 1. A brief description of each activity, event, performance, etc., including date, time, and location;
  - 2. The name and signature of the person who performed each requirement; and
  - 3. The date and time when each requirement was performed.
- B. Such records shall be made available upon request of the State Fire Marshal.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011)

### **Rule 7.11 Penalties**

#### **7.11.1 Code Violation- Miss. Code Ann. § 45-11-111**

- A. Any person, firm or corporation who shall knowingly and willfully violate the terms or provisions of the Mississippi Fire Prevention Code shall be guilty of a misdemeanor and

upon conviction therefore shall be sentenced to pay a fine of not to exceed one thousand dollars (\$1,000.00).

- B. In cases of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

Source: Miss. Code Ann. §45-11-111 (Rev. 2011)

#### **Rule 7.11.2 Criminal Violation**

In accordance with Miss. Code Ann. §§ 97-17-1 through 97-17-14, any person, who willfully and maliciously sets fire to or burns or causes to be burned or who aids, councils, or procures the burning of any building or property of whatsoever class or character as set forth in the Code shall be guilty of arson as set forth in the above cited sections of the Mississippi Code.

Source: Miss. Code Ann. §45-11-101, et seq. (Rev. 2011) and §97-17-1 through §97-17-14 (Rev.2006)

#### **Rule 7.12 Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §45-11-101 (Rev. 2011)

#### **Rule 7.13 Repeal Of Regulation 92-104**

Upon adoption of Regulation FM-2010-1, Regulation 92-104 will be repealed.

Source: Miss. Code Ann. §25-43-3.101, et seq. (Rev. 2010)

#### **Rule 7.14 Effective Date**

This Regulation shall become effective thirty (30) days after adoption.

Source: Miss. Code Ann. §25-43-3.113 (Rev. 2010)

### **Part 7 Chapter 8:General L.C. Gas Regulations**

#### **Rule 8.01 Transfer of Liquids.**

When an LP-Gas container is used for motor fuel, farm implements, portable containers or similar service and cannot be serviced due to excessive vapor pressure in the fuel container, vapor pressure may be reduced to facilitate fueling by venting to the

atmosphere, provided the liquid transfer is located not less than 50 feet from the nearest important building and in an open area without undue hazard to any building or surrounding property and there is no open flame or other source of ignition in the area. Passenger-carrying vehicles shall not be fueled in this manner while passengers are on board.

Source: Miss. Code Ann. §§75-57-1, et seq. (Rev. 2009)

## **Rule 8.02** Appliances.

**8.02.1** Room Heaters. Unvented room heaters may be installed in residential sleeping quarters and bathrooms provided the aggregate input rating does not exceed 20 BTU's per hour per cubic foot of room or space in which it is installed.

Source: Miss. Code Ann. §§75-57-1, et seq. (Rev. 2009)

**8.02.2** Heating Appliances In Stationary Mobile Homes. Vented or Non-vented type circulating room heaters may be installed in stationary mobile homes for use with LP-Gas as follows:

- A. The appliance must be listed for use with LP-Gas by the American Gas Association or other nationally recognized testing laboratory.
- B. The appliance must be installed in accordance with NFPA-54 provisions for combustion and circulating air.
- C. A clayback heater cannot be used; however a heater with a cool-type cabinet may be used.

Source: Miss. Code Ann. §§75-57-1, et seq. (Rev. 2009)

## **Rule 8.03** Effective Date

This regulation will become effective thirty (30) days after the Final Rule is filed.

Source: Miss. Code Ann. §25-43-3.113, et seq. (Rev. 2010)

## **Part 7 Chapter 9:** (2011-2) Handling of Liquefied Compressed Gas Containers

### **Rule 9.01** Purpose

The purpose of this Regulation is to set forth minimum standards for the use and handling of ASME liquefied petroleum gas containers by liquefied petroleum/compressed gas dealers.

Source: Miss. Code Ann. §75-57-105 (Rev. 2009)

### **Rule 9.02** Authority



This Regulation is promulgated by the Liquefied Compressed Gas Board with the approval of the Commissioner of Insurance, pursuant to Miss. Code Ann. §75-57-105 (Rev. 2000), as well as the provision of the Mississippi Department of Insurance Regulation No. 88-101, said Regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department.

Source:Miss. Code Ann. §75-57-105 (Rev. 2009)

### **Rule 9.03 Scope**

This Regulation shall apply to all liquefied petroleum gas dealers, their agents and employees.

Source:Miss. Code Ann. §75-57-105 (Rev. 2009)

### **Rule 9.04 Requirements**

- A. In order to promote the public safety by avoiding the contamination of ASME containers and by assuring the proper reconditioning of service valves and containers, all dealers shall be required to mark, label, or otherwise designate liquefied petroleum gas containers in such a manner as to easily identify such containers as being owned by the particular dealer. No dealer shall sell, install, fill, refill, deliver or permit to be delivered, or use in any manner any ASME liquefied petroleum gas container unless such container is owned by such dealer or its use is authorized by the owner of such container.
- B. No liquefied petroleum gas dealer, including its agents and employees, may dismantle, disconnect, evacuate, repair, deface, fill, or refill a container belonging to another dealer unless:
  - 1. Prior written permission shall have been granted by the dealer who owns the container;
  - 2. Prior written permission shall have been granted by the owner or lessee of the premises where the container is located, except the owner or lessee may not grant permission to fill or refill a container;
  - 3. The action is taken at the discretion of the authority having jurisdiction as defined in NFPA Pamphlet 58; or
  - 4. The action is taken under a declared state of emergency.
- C. Nothing in this section shall be construed as abrogating the right of the consumer to terminate a rental contract on a container with the dealer/owner, in accordance with the terms and provisions of said rental contract.
- D. Containers are to be appropriately marked and easily identified to the inspector.

Source:Miss. Code Ann. §75-57-105 (Rev. 2009)

**Rule 9.05** Date of Compliance

All liquefied petroleum gas dealers, their agents and employees shall comply with this Regulation from and after the Effective Date of this regulation, as set forth in Section 8, below.

Source: Miss. Code Ann. §75-57-105 (Rev. 2009)

**Rule 9.06** Violations and Penalties

Failure of a liquefied petroleum gas dealer, his agents and employees to comply with the provisions of this regulation shall be considered a violation of Miss. Code Ann. §§75-57- 107 and 75-57-109, and may result in a monetary penalty and/or revocation of the dealer's liquefied compressed gas permit.

Source:Miss. Code Ann. §75-57-105 and § 75-57-109 (Rev. 2009)

**Rule 9.07** Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §75-57-105 (Rev. 2009); §45-11-101, et seq.(Rev 2011)

**Rule 9.08** Effective Date

The Effective Date of this Regulation shall be thirty (30) days from the filing for final adoption with the Secretary of State.

Source:Miss. Code Ann. §25-4-3.113 (Rev. 2010)